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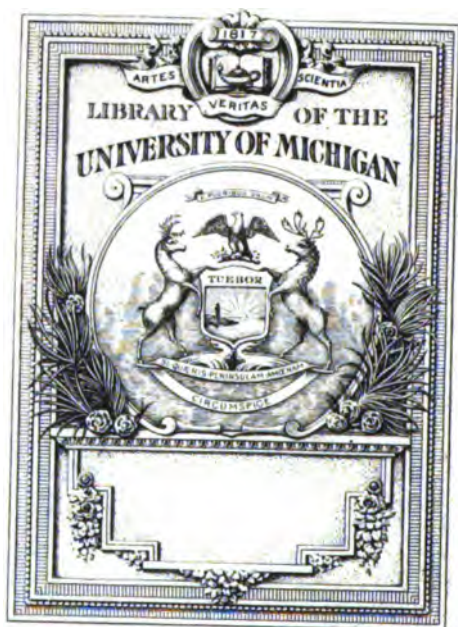
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# JOURNAL

OF THE

# S E N A T E

OF THE

## STATE OF NEW YORK:

AT THEIR

### NINETY-NINTH SESSION.

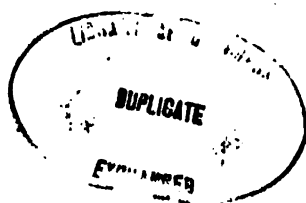
BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, ON THE FOURTH  
DAY OF JANUARY, 1876.



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# JOURNAL OF THE SENATE.

## STATE OF NEW YORK :

SENATE CHAMBER, IN THE CITY OF ALBANY,  
TUESDAY, JANUARY 4, 1876.

Pursuant to the sixth section of the tenth article of the Constitution of the State of New York, designating the first Tuesday in January, in each year, for the time of the meeting of the Legislature, Hon. William Dorsheimer, Lieutenant-Governor, and the following Senators from the several districts of the State, appeared in the Senate, to wit :

District Number One .....	L. Bradford Prince.
District Number Two .....	John R. Kennaday.
District Number Three .....	John C. Jacobs.
District Number Four .....	John Morrissey.
District Number Five .....	James W. Booth.
District Number Six .....	Caspar A. Baaden.
District Number Seven .....	James W. Gerard.
District Number Eight .....	Francois M. Bixby.
District Number Nine .....	William H. Robertson.
District Number Ten .....	Daniel B. St. John.
District Number Eleven .....	B. Platt Carpenter.
District Number Twelve .....	Thomas Coleman.
District Number Thirteen .....	Hamilton Harris.
District Number Fourteen .....	Augustus Schoonmaker, Jr.
District Number Fifteen .....	Webster Wagner.
District Number Sixteen .....	Franklin W. Tobey
District Number Seventeen .....	Darius A. Moore.
District Number Eighteen .....	James F. Starbuck.
District Number Nineteen .....	Theodore S. Sayre.
District Number Twenty .....	David P. Loomis.
District Number Twenty-one .....	Benjamin Doolittle.
District Number Twenty-two .....	Dennis McCarthy.
District Number Twenty-three .....	William C. Lamont.
District Number Twenty-four .....	John H. Selkreg.
District Number Twenty-five .....	William B. Woodin.
District Number Twenty-six .....	Stephen H. Hammond.
District Number Twenty-seven .....	George B. Bradley.
District Number Twenty-eight .....	William N. Emerson.
District Number Twenty-nine .....	Dan H. Cole.
District Number Thirty .....	Abijah J. Wellman.
District Number Thirty-one .....	
District Number Thirty-two .....	Commodore P. Vedder.

Prayer by Rev. Dr. Clark.

The Senators present having taken and subscribed the constitutional oath of office, the President declared the Senate organized and ready to proceed to business.

The Lieutenant-Governor arose and addressed the Senate as follows :

**SENATORS :** It is my privilege to welcome you to the honorable labors for which you have been chosen. A task like yours can never be lightly assumed, but I may suppose that your sense of responsibility is deepened by the interesting historic memories with which this time, so full of patriotic suggestions, will fill your minds.

On the 23d of May, 1775, the Provincial Congress of New York assembled in the city of New York, in open war against the King of Great Britain, to whom the Colony had long been subjected, and to the defense of whose crown, in many times of public peril, it had contributed its full share.

The Congress was organized by the election of Peter Van Brugh Livingston, of New York, President, and Volkert P. Douw, of Albany, Vice-President.

Among the members of this Congress whose names became known, either in their own persons or in those of their descendants, I find Isaac Low, Isaac Roosevelt, John De Lancy, Samuel Verplanck, Richard Yates, Thomas Smith, of New York ; Robert and Abraham Yates, Walter Livingston, Robert Van Rensselaer, Abraham Ten Broeck, of Albany ; Gilbert Livingston, Jonathan Landon, Melancthon Smith, and Richard Montgomerie, of Dutchess ; Johannes Hardenbergh and James Clinton, of Ulster ; Nathaniel Woodhull and Selah Strong, of Suffolk ; Johannes E. Lott, Theodosius Polhemus, and John Vanderbilt, of Kings ; Zebulon Williams, of Queens, Gouverneur Morris, Daniel Dayton, and William Paulding, of Westchester.

By the Ordinance of October 29, 1775, provision was made for the election of a new Congress, which assembled in New York on the 6th day of December following, and Colonel Nathaniel Woodhull, of Suffolk, was elected President. In this Congress I find these notable names, in addition to many of those I have mentioned : John James Bleeker and Leonard Gansevoort, of Albany, and Robert G. Livingston, of Dutchess.

This Congress adjourned on the 22d day of December, 1775, having created a Committee of Safety, and invested it with ample powers. The committee met on the 3d day of January, 1776, and Colonel Pierre Van Cortland, of Westchester, was chosen president.

The proceedings of the committee, on the 4th day of January, 1776, seem to me to have a peculiar interest, and I venture to detain you while I refer to them.

The committee met at ten o'clock in the morning. After sundry matters of business had been dispatched, a draft of a letter to the Continental congress was read and approved of. I will read a portion of it :

“In Committee of Safety for the Colony of New York, during the recess of Congress.

“JANUARY 4, 1776.

“**GENTLEMEN :** We have engaged two vessels to dispatch to Europe for the purpose of procuring arms and ammunition, but the season of the year has prevented wheat from coming to market to expedite them so early as we could wish, to have a return in proper time. In these

difficulties, we are unable to get bills of exchange of gold or silver to dispatch those vessels, which we fear will totally defeat our design. We have, therefore, been led to cast our attention on flax-seed, as the only commodity in our power which will rid us of our difficulties."

The letter then urges Congress to grant permission for the exportation of the flax-seed.

During the afternoon session, the following curious petition was read :

*'To the Honorable Committee of Safety of the Colony of New York :*

"The petition of Thomas Place, of Queens county, Long Island, humbly sheweth :

"That your petitioner, by the persuasion of those whom he looked upon to be his friends, voted against Provincial delegates in the last election held in Queens county, for which he is extremely sorry and sincerely repents of his conduct."

The petitioner then asks for this relief :

"Your petitioner, therefore, most humbly prays that this honorable committee would be pleased to take his case into consideration, and restore him to the good opinion of those who are friends to the liberties of this continent by declaring to the world that your petitioner is extremely contrite for his late conduct in opposing the choice of Provincial delegates, which your petitioner candidly acknowledges was occasioned by the artful persuasion of others."

A like petition of Gabriel Van Cott, of Queens county, was also read and filed.

Senators, it is not for me to advise you as to your conduct ; but, if any citizens of the State should repent of their votes at the late election, and perhaps we all think there are many who ought to do so, I beg you to take their cases into your careful consideration, and restore them to the good opinion of their countrymen, by declaring that they are "extremely contrite for their conduct," and that their error was occasioned "by the artful persuasion of others."

But it was not to excite a smile that I read this record of poverty and simple manners, but rather that you might draw the contrast between that time and this—between them and you. Fortunate, indeed, will you be, if you shall use your larger opportunities as wisely as they used theirs. They had to contend with poverty, with foreign and domestic foes, but the dangers which are before you—the corruption of wealth, the strife of parties, the love of power, the enervation of luxury—these have always proved an enemy more to be dreaded than the open foe, however formidable.

They set out on a course of public conduct which has proved a signal blessing to mankind. The tongue cannot describe the marvels of this century of freedom. It is for you to follow in their high career. It is for you so to begin the second century, that the triumphs of the past shall be repeated in the future ; that the nation's strength, no longer needed for the conquest of nature, the building of cities and the founding of States, shall seek other employment, perhaps the pursuit of knowledge, and the practice of those arts

"Which give  
Light to a world, and make a nation live."

I cannot frame a more impressive exhortation than to urge you to do your part as well as they did theirs ; and to wish that your names, an hundred years from now, may be spoken as reverently as we speak theirs.

Mr. Cole offered the following :

*Resolved*, That Henry A. Glidden be and he is hereby appointed Clerk of the Senate.

Mr. Hammond moved to amend by striking out the name of "Henry A. Glidden," and inserting the name of "Charles H. Paddock."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Schoonmaker
Gerard	Kennaday	Morrissey	Starbuck
			12

FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Vedder
Booth	Emerson	Robertson	Wagner
Carpenter	Harris	Sayre	Wellman
Cole	McCarthy	Selkreg	Woodin
Coleman	Moore	Tobey	19

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Doolittle offered the following :

*Resolved*, That Hudson C. Tanner be and he is hereby appointed stenographer of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following :

*Resolved*, That John W. Corning be and he is hereby appointed sergeant-at-arms of the Senate.

Mr. Loomis moved to amend by striking out the name of "John W. Corning," and inserting the name of "Francis G. Bowles."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Tobey offered the following :

*Resolved*, That James I. Hart be and he is hereby appointed assistant sergeant-at-arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Booth offered the following :

*Resolved*, That William A. Gedney be and he is hereby appointed assistant postmaster of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Wagner offered the following :

*Resolved*, That Frederick M. Burton be and he is hereby appointed doorkeeper of the Senate.

Mr. Schoonmaker moved to amend by striking out the name of "Frederick M. Burton," and inserting the name of "Richard D. Shaler."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Coleman offered the following :

*Resolved*, That Webster Howard be and he is hereby appointed first assistant doorkeeper of the Senate.

Mr. Gerard moved to amend by striking out the name of "Webster Howard," and inserting the name of "Frank J. O'Donnell."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Selkreg offered the following :

*Resolved*, That George A. Johnson be and he is hereby appointed janitor and keeper of the Senate chamber.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris offered the following :

*Resolved*, That Robert McIntyre be and he is hereby appointed assistant janitor and keeper of the Senate chamber.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following :

*Resolved*, That Rev. Ebenezer Halley be appointed chaplain of the Senate for the present session, and that his compensation be the same as that heretofore paid the various officiating clergymen for similar services, to wit, three dollars per day.

Mr. Hammond moved to amend by striking out the name of "Rev. Ebenezer Halley," and inserting the name of "Rev. Edward Selkirk."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Vedder offered the following :

*Resolved*, That a committee of two be appointed to wait upon His Excellency the Governor, and inform him that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee Messrs. Vedder and Bradley.

Mr. Prince offered the following :

*Resolved*, That a committee of two be appointed to wait upon the honorable the Assembly, and inform that body that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee Messrs. Prince and Starbuck.

The President announced the following appointments :

*President's Secretary* — J. Stanley Brown.

*President's Messenger* — J. H. McDonald.

The President presented a Preliminary Report of the Secretary of State upon the Census or Enumeration of the Inhabitants of the State taken in the year 1875 ; which was laid upon the table and ordered printed.

(See Doc. No. 6.)

Mr. Starbuck presented a petition of Judson W. Breed contesting the seat of Hon. Commodore P. Vedder, Senator from the Thirty-second Senatorial district; which was read and referred to the committee on the judiciary, when appointed.

Mr. Booth presented a petition of William Laimbeer contesting the seat of Hon. James W. Gerard, Senator from the Seventh Senatorial district; which was read and referred to the committee on the judiciary, when appointed.

Mr. Prince presented a petition of Woodruff L. Barnes relative to church property; which was read and referred to the committee on charitable and religious societies, when appointed.

Messrs. Vedder and Bradley, a committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported that His Excellency would communicate with the Senate by message.

Mr. Robertson offered the following :

*Resolved*, That the Clerk of the Senate make the usual arrangements for the payment of postage on all papers received and sent out by Senators, and also on all public documents sent out by Senators and officers during the session; the postage on any document not to exceed forty cents; and also to send by express any document costing over forty cents.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	McCarthy	Schoonmaker
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	St. John	Wellman

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The President presented the Annual Report of the Treasurer of the State of New York; which was laid upon the table and ordered printed.  
(See Doc. No. 5.)

A message was received from His Excellency the Governor, and read in the words following :

#### STATE OF NEW YORK:

EXECUTIVE CHAMBER, }  
ALBANY, January 4, 1876. }

#### *To the Legislature :*

The annual meeting of the legislative assemblies, at the beginning of the new year, finds the people of this commonwealth in the enjoyment of blessings, which ought to fill us with reverent thankfulness to Him from whom cometh every good and perfect gift. Whatever the earth could yield to the labor of man, under the fructifying and genial forces of nature, we have garnered. Health, peace and domestic tranquillity have been ours. Capacities to produce in largest abundance and with least sacrifice, or to acquire by exchange through the best natural and artificial machinery of transport and travel, all things which minister to material well-being, to

the prosperity and wealth of a State, and to the comfort and felicity of its individual members, have been, and are subject to our use.

It was early discovered that New York possessed within her territory the natural passes of military operations which, in the wars for colonial existence and for national independence, cross-tracked our soil with fire and blood. Our territory was also found, on the later development of the national growth, to occupy the natural thoroughfares of travel and traffic. It touches the ocean with a harbor ever open, accessible and safe, close by whose gates the ocean currents compel to pass nearly all transatlantic navigation to and from this country. It connects that harbor and the tranquil Hudson on the north with Lake Champlain and the Canadas, and on the west by a level crossing the bases of the mountain ranges that traverse the continent, with Lake Erie and its chain of great inland seas, bordered by rising commonwealths, which are the marvels of modern times.

We are, with our fellow-citizens of the other States, joint inheritors of a system of government — the selected product of the oldest existing civilization — formed according to the best ideals evolved from human experience, but freed from the overgrowth of habits and interests elsewhere incident to such experience; and planted in the virgin soil of an unoccupied continent, abounding in all the gifts of nature. Our population, by the census just taken, is near four and three-quarter millions. Our annual product of agriculture is still greater than that of any of our young rivals, whom we contemplate with admiring pride as in part the creations of our policy and the swarming homes of our own children. Our domestic manufactures are larger than those of any other State. Our foreign commerce is once and a half that of all the rest of the Union.

Common schools, in which are taught a million of youths, and seminaries of higher learning, are training our successors to improve on whatever they can inherit from the present generation. Institutions of charity dispense everywhere their benefactions, and the surface of our whole domain is dotted thickly by edifices whose spires point to Heaven.

If, on this fair picture, there are spots that indicate a recent prevalence of private waste or folly, or that disclose evils or wrongs by Government, resulting in much temporary distress, let us remember with humility that we have been in part the authors of what we deplore, or, at least, consenting witnesses; and let us be grateful that we can reform what is amiss; and that, to our hands, under God, is committed our own future.

#### DEBTS OF THE STATE.

The nominal amount of the debts of the State, as they appear on the books of the Comptroller, without deducting the sinking funds applicable to their payment, on the 30th of September, 1875, the close of the last fiscal year, was \$28,328,686.40, classified as follows:



General fund .....	\$3,119,526 40
Contingent .....	68,000 00
Canal .....	10,086,660 00
Bounty .....	15,054,500 00
	<hr/>
	\$28,328,686 40
	<hr/>

## THE SINKING FUNDS.

The amount of those debts, on the 30th of September, 1875, after deducting the assets in the sinking funds at that time applicable to their payment, is exhibited by the following statement, furnished by the Comptroller:

	Debt Sept. 30, 1875.	Sinking Fund, Sept. 30, 1875.	Balance.
General fund.....	\$3,119,526 40	\$3,029,605 70	\$89,920 70
Contingent.....	68,000 00	38,677 64	31,322 36
Canal.....	10,086,660 00	1,448,345 51	8,638,314 49
Bounty .....	15,054,500 00	*9,086,753 29	5,967,746 71
Totals.....	\$28,328,686 40	\$13,581,382 14	\$14,747,304 26

The actual reduction, during the year, of the debts by cancellation of matured stocks, and by the purchase of \$858,000 of the bounty loan for the sinking fund, is \$1,870,770.

The diminution during the year, of the debts, after deducting the assets of the sinking fund, is \$2,744,505.06.

## THE BOUNTY DEBT.

But even this exhibit does not completely show the situation of the sinking funds as we are to deal with them in the legislation of your present session. The appropriations made at the last session became operative on the first of October, 1875. The taxes levied for the fiscal year, beginning on that day, are in process of collection.

The appropriation for the bounty debt sinking fund was \$4,260,000. If that sum be deducted from the balance of \$5,987,746.71, as shown in the table for the 30th September, 1875, there would remain but \$1,727,746.71 to be provided for by your legislation.

The near approach of the extinction of the bounty debt suggests a retrospect. If it had been a necessary condition to a restored union, our people would not count its cost. But it was essentially an after-war adjustment, and if the criticism of the Comptroller, in his report of 1875, be just; that though created "nominally to pay bounties to the volunteer soldiers, who enlisted in the service of the United States during the rebellion, but only an inconsiderable part of this sum is believed to have reached the soldiers who were actually engaged in the contest," the experience would be chiefly useful

\* Deducting interest accrued to October 1, 1875, payable January 1, 1876.

in illustrating the magnificent costliness of improvident debt. The appropriations for it in the last ten years amount to \$39,983,862.97, and interest would swell the present cost to at least \$50,000,000. When the appropriation of the present year shall be added, the people of this State may be congratulated on its extinction.

#### CANAL DEBT.

The appropriation at the last session for that portion of the canal debt, known as the floating canal debt, was \$266,000, which will complete its payment and leave a small surplus in the sinking fund.

On the other hand, the sinking fund for the canal debt proper, will fail to derive from the revenues of the canals the whole amount of the installment required, and a deficiency of \$625,610.70 will have to be supplied.

#### WHOLE AMOUNT OF DEBTS.

The application of the sums appropriated from taxes, now in process of collection, would reduce the State debts to about ten and one quarter millions of dollars, exclusive of accruing interest.

Another observation ought to be made in respect to the sinking funds. Nearly twelve hundred thousand dollars of the assets, consist of premiums on its stocks at cost or at present market rates.

It is clear that the operations of the sinking funds should be revised. The best investment, certainly the safest, for a State as for an individual, is in the payment of its own debts, if that be possible on reasonable terms. Individuals seldom find easy credit any thing but a snare; States never. A large mass of cash on hand, even if in sinking funds, tempts to improvident expenditure and to illegitimate use.

#### CONSTITUTIONAL RESTRICTIONS ON PUBLIC DEBTS.

Thirty years ago, in June, the convention sat, which formed our present Constitution. It was called into being chiefly to impose restraints on the power of the government of this State to contract debts. The purpose of the people to establish these guards against their agents was the result of years of animated discussion. The restraints were carefully devised. They have been useful, and, in the main, effectual. In 1846, our State debts were nearly twenty-four millions. In 1876, they will be reduced to ten and a quarter millions.

The convention considered plans for applying such restrictions to all municipal bodies and local governing officials. They did not feel able, in the period of their session, to mature satisfactory provisions. They devolved the duty on the Legislature, commanding its performance. Their injunction has been unexecuted; and in 1876 the city of New York has a debt of one hundred and twenty-two millions after deducting its sinking funds, against a debt of less than fourteen millions in 1846. The other cities of the State owe sixty millions, and many counties and towns are also largely burdened.

Sole surviving member of the committee which prepared the constitutional restrictions on the creation of State debts, I might be permitted, in honor of the illustrious dead, to trace the moral, our experience has since proved, of the utility of their work; but I have recounted the results to show that the policy was then, and is now, absolutely necessary to the safety of the people in all State and local governments.

#### TAXES FOR STATE PURPOSES IN 1874.

The taxes levied by the Legislature of 1874, were 7½ mills on a valuation of \$2,169,307,873. Their produce, when all realized, is \$15,727,482.08.

#### IN 1875.

The taxes levied by the Legislature of 1875, were six mills. They were computed in the Comptroller's office and in the Legislative committees on the valuation of the previous year. On that basis, their produce would have been \$13,015,847.24.

#### THE REDUCTION.

The reduction would have been \$2,711,634.84. But the valuation was increased to \$2,367,780,102. The produce of a six mills tax on that amount is \$14,206,680.61. The increase of the valuation gives an excess over the estimated amount of \$1,190,833.37. The reduction actually effected is \$1,520,801.47.

#### APPROPRIATIONS OF 1875.

A reduction of taxes, without reduction in appropriations, would but create a deficiency and a floating debt. These would have to be paid by a subsequent increase of taxes. The appropriation bills were framed to correspond with the lower valuation, and much effort was made to keep down the appropriations. The result is shown in the following table:

#### APPROPRIATIONS AND TAXES OF 1875 COMPARED.

	Mills.	Appropriations of 1875.	Tax Computed on valuation of 1874.	Tax Computed on valuation of 1875.	Excess.
Schools.....	1½	\$2,712,000 00	\$2,711,634 84	\$2,859,725 13	\$248,090 29
Bounty debt.....	2	4,200,000 00	4,338,615 75	4,735,560 20	396,944 45
Capitol.....	¾	1,000,000 00	1,064,653 94	1,133,890 06	99,236 11
Canal Floating Debt..	¾	266,000 00	271,193 48	296,972 51	24,809 03
Canal Awards.....	1-5	423,786 90	438,861 57	473,556 03	39,694 45
General Purposes.....	1½	2,986,825 00	2,988,798 33	3,235,697 64	272,899 31
Deficiency and Asyl's	11-20	1,525,213 53	1,193,119 33	1,302,279 06	109,159 73
.....		\$13,172,806 43	\$13,015,847 24	\$14,206,680 61	\$1,190,833 37
Excess of appropriations over tax, computed on valuation of 1874.....					156,958 19
Excess of tax, computed on valuation of 1875, over tax computed on valuation of 1874.....					1,190,833 37
Excess of tax, computed on valuation of 1875, over appropriations of 1875.....					1,033,875 18

The reduction in the appropriations of 1875, below the taxes of 1874—counting, at its true construction, one item about which there may be some doubt—is \$2,554,677.65. This leaves the sum of \$1,033,875.18 applicable to the reduction of taxes for the coming fiscal year.

#### REDUCTION OF APPROPRIATIONS FROM CANAL REVENUES OR FUNDS.

The appropriations for ordinary expenses and repairs of the canals made at the last session for the fiscal year beginning October 1, 1875, were \$1,109,150, and for the current fiscal year a special contingent provision of \$150,000, making \$1,259,150. The like appropriations made at the session of 1874, were \$1,424,510; and a provision for the then current year for deficiencies of \$250,000. The reduction in 1875, as compared with 1874, is \$415,360.

The canal re-appropriation bill in 1874 re-appropriated \$917,319.63; that of 1875 re-appropriated \$340,079.19. The diminution is \$577,240.44.

The amount raised by former taxes, reclaimed into the treasury by striking out items in the re-appropriation bill of 1875, is \$67,765.69.

#### ITEMS OF REDUCTION OF TAXES.

The objects in respect to which a reduction of taxes was effected, were:

	1874.	1875.	REDUCTION.
Extraordinary canal repairs.....	\$1,898,144 39	None.	\$1,898,144 39
Asylums and reformatory.....	812,490 45	\$479,800 00	332,690 45
General purposes.....	4,189,475 84	3,696,117 66	493,358 18
			\$2,725,193 02

1. In respect to the first item, the memorandum assigning reasons for withholding the executive sanction from the bill making appropriations for extraordinary repairs to the canals, contains the following observations:

“The budget for extraordinary repairs, as originally prepared, proposed an expenditure of \$1,400,000. In the ordinary course of things, the additions, which would have been made to it during its passage through the two houses, by the friends of local objects able to influence those bodies, would probably have swollen it to as great a magnitude as the bill of last year for the same purpose, which amounted in tax to nearly \$1,900,000.

“It was in this condition of things, when the routine, which had become so firmly established, was likely to bring for my action, bills which could not be totally rejected, and perhaps, could not be effectually altered, and which would practically continue the existing systems of canal expenditure, against which I had objected in my annual message and invoked retrenchment and reform, that I felt it my duty to enter upon the investigation, which resulted in the special message of March 19, 1875.

"The discussion which ensued generated a spirit in the legislative bodies, and among the people, that triumphed over and broke up the routine, hitherto dominating, and which, like an enchanted ship, moving onward in its course without a crew, was drifting us into a repetition of all improvidences, abuses and frauds, so long infesting this department of the public administration.

"The results of this discussion will be found in a reduction of the appropriations for the expenses of collection, superintendence and ordinary repairs, and in the extinction of expenditures for extraordinary repairs."

2. The reduction in the second item was the result of a policy adopted by the finance committees of the two houses, with my concurrence, of confining the appropriations to such sums as would make available and bring into use the portions most nearly approaching completions of the asylum and reformatory, now in the course of construction. The appropriations allowed to pass conform, in the main, to that plan.

3. The memorandum assigning reasons for withholding the executive sanction from certain items of the supply bill, expressed the belief that "with the reductions made in the legislative bodies, and by the refusal of the executive sanction to items and bills passed by the Legislature, the expenditures and appropriations ought not to exceed the taxes levied, and the reduction of taxes will be a clear saving to the people." It added that "the failure of sundry items and bills to receive the executive sanction will reduce the appropriations as follows:" And it enumerates such items to be paid by taxes amounting to..... \$332, 169 00  
And items stricken out which reclaim cash to the treasury..... 67, 765 00

\$399, 934 00

And items to be paid out of canal revenue..... \$365, 946 00

The failure to keep the appropriations down to the taxes levied, on former occasions, has led to deficiencies in the treasury and floating debts, which are forbidden by the Constitution, and to violations of the sinking funds. We cannot too vigilantly guard against a recurrence of these evils; or insist too inflexibly that no appropriation shall be made until the means of paying it shall have been provided.

#### REDUCTION OF STATE TAXES FOR 1876 TO ONE-HALF THE TAXES OF 1874.

The taxes for State purposes in 1874 were  $7\frac{1}{2}$  mills on a valuation of \$2,169,307,873, producing... \$15, 727, 482 08  
The taxes for State purposes in 1876, if reduced to 3.625 mills on the valuation of 1874, or 3.321 mills on the valuation of 1875, which is \$2,367,780,102, would yield..... 7, 863, 741 04

After a careful consideration of the elements of the question, I have arrived at the conclusion that a reduction, substantially of this extent, can be effected without detriment to the public interests, if there exist no deficiencies yet undiscovered in the public accounts, and if no extraordinary necessity for new appropriations shall arise. It may be proper to indicate some of the chief particulars in which this reduction can be made:

1. Payment on debts of the State.

	Appropriations in 1874.	Necessary in 1876.
For bounty debt.....	\$4,260,000 00	\$1,727,746 00
For canal debt.....	198,888 00	625,610 70
	<u>\$4,458,888 00</u>	<u>\$2,353,356 70</u>

Reduction..... \$2, 105, 531 '80

2. Canal Expenditures.

	1874.	1876.
For extraordinary repairs .....	\$1,896,144 39	None.
For awards .....	474,536 10	\$172,680 49
	<u>\$2,372,680 49</u>	

Reduction — which, as to canal awards, is estimated 2,200, 000 00

3. Reduction by means of surplus of taxes in 1875.. 1, 033, 875 18

4. The taxes provided for general purposes in 1875 were less than those of 1874 by..... \$493,358 18

The excess of appropriations over taxes computed on the old valuation was..... 156, 958 19

Balance ..... \$336, 399 99

Counting on the same appropriations this year, there will be a reduction of ..... 336, 399 99

5. The tax for new asylums and reformatory in 1874 was ..... \$813, 490 45

The appropriation for 1875 was.... 479, 800' 00

Balance ..... \$333, 690 45

If the same appropriations were made in 1876 as in 1874, the reduction would be ..... 333, 690 45

The reductions effected in these items would be... \$6, 009, 496 92

In order to effect the diminution of taxes one-half, there would remain to be effected out of the other appropriations a further reduction of .... 1, 854, 244 12

The other taxes in 1875, as appropriated, were:

For new capitol ..... 1, 000, 000 00

For asylums and reformatory ..... 479, 800 00

\$1, 479, 800 00

Remainder of taxes appropriated for general purposes, 1874 .....	\$3, 696, 117 66
Taxes appropriated for schools, 1874.....	2, 660, 000 00
Total.....	<hr/> \$7,835,917 66
A quarter of that would be.....	1,958,979 41
The balance of the reduction proposed is.....	<hr/> 1,854,244 12

Three-quarters of the reduction contemplated will have been effected out of half the taxes in the items mentioned. There would seem to be no difficulty, out of the remaining half of the taxes, to make the remaining quarter of the proposed reduction. The subject will be further discussed when the principal objects of the expenditures are separately considered.

#### THE PERMANENT RESULT.

It is not intended to insist on positive exactness of results. In the exigencies of a great State, unforeseen necessities may arise. But, in private business, and in the administration of those great corporate bodies which are the growth of modern times, and some of which receive and disburse larger sums than the treasury of the State, it is found to be wise and even necessary to work up to a systematic plan. The State ought to do the same. It is one of the evils of unsystematic legislation and administration that results are never certain; that expenditures exceed appropriations, and appropriations exceed taxes. A floating debt is thus created by some subordinate officer or authority, which the Constitution expressly prohibits the law-making powers of the government from creating except to the extent of \$1,000,000.

But there seems to be no reason to doubt that, on the scale of our present population and our present policy, the remission of taxes may be permanent.

In 1877, the million and three-quarters required this year for the bounty debt, will be unnecessary. It is possible, if the canals are well managed, that the demand from them on the treasury may be somewhat reduced. The State prisons, the quarantine and the salt works all afford scope for retrenchments. They now share the fate of all other business and speculations which the State undertakes. A decay of income and a growth of expenditures indicate the incompetence of the State, in its sleepy indifference, to compete with the ever vigilant and earnest activity of private interests. The deficiency in the State prisons for the year is nearly \$550,000, and of the quarantine about \$62,000, making \$612,000. This sum and the last installment of the bounty debt, amounting to a million and three-quarters, which is a charge on this year, and the deficiency in the canal sinking fund, amount in the aggregate to \$2,960,000.

The result, expressed in round numbers, is that, after you have reduced the taxes for State purposes from sixteen millions to eight millions, three of the eight millions remaining are or ought to be



for exceptional expenditures. That amount, therefore, ought to form a fund adequate, after this year, to meet the exceptional expenditures of the State for improving the main trunks of the canals, and finishing all public buildings that ought to be finished, and for an ultimate further remission of taxes.

I have made this explicit exposition of the subject, at the opening of your session, in order that in all the formative stages of legislation involving expenditures, appropriations and taxation, the considerations suggested may be present to your minds. The amendment to the Constitution, first brought into operation at the last session, imposing on the Governor the obligation to revise every item of appropriation, works a change in official practice, amounting to a revolution. Hitherto, as the appropriations were embraced in bills that had to be accepted or rejected, as a whole, the items have been, in effect, withdrawn from the action of the Governor. The responsibility now devolved on him is very laborious and difficult. It tends, perhaps, to work some change in the customary relations of the departments. In ordinary legislation, it is stretching the function of the executive veto too far, to apply it to every case in which the Governor, if a member of the Senate or Assembly, would vote against a bill. There seems to be a disposition to hold the Executive to the extreme of accountability in respect to appropriations. This tendency may be carried so far as to disturb the constitutional equilibrium of the executive and legislative forces.

Not desiring to amplify my official powers, nor disposed to shrink from any just responsibility, the occasion seems fit to invite a frank understanding, to avow my own wish for, and to seek from you, a cordial co-operation on this subject, for the good of our common constituents.

I have endeavored to narrate the financial condition, prospects and possibilities of the State in plain language, divested of the technical forms of complicated accounts, which render financial statements capable of being analyzed only by experts, and incapable of being understood by anybody, without explanations which they do not contain.

#### POLICY OF THE STATE AS TO THE ERIE CANAL.

In my annual message of last year, I entered into a full discussion of the policy of the State, in respect to the construction, ownership, management, and improvement of the Erie canal.

In my special message of March 19, 1875, I opened a discussion as to the improvidence, waste, and corruption, which have infested the administration of the canal system. Inviting your attention to those documents, I confine myself, on this occasion, to a brief summary of the policy of the State as it may be deemed now to be settled.

1. Not denying the general unfitness of Government to construct, own or manage the works which offer the means of transportation, the State of New York saw an exception in the situation and in

the nature of the canals, which are trunk connections between the Hudson river and the great inland seas on the north and west. Connecting vast navigable public waters, they assume something of a public character. They are a link of 350 miles in a system which, on the one hand by 1,500 miles of the waters of the great lakes, and on the other hand by 3,150 miles of the waters of the Hudson river and the Atlantic ocean connects the crowded populations of Europe with the fertile prairies of the North-west, covered with their network of tributary railways.

2. The Erie canal remains an important and valuable instrument of transport, not only by its direct uses, but by its regulating power in competition with the trunk railways between the East and the West.

3. The Erie canal has a capacity to accommodate an aggregate tonnage at least twice as large as has ever offered. It is capable of being made an instrument of the cheapest transportation per ton, per mile, which artificial navigation, in existing geographical and physical conditions, can attain; not by changing its essential character, but by perfecting it and giving it the highest efficiency.

4. The policy upon which the State appears to have decided and that which I had the honor to advocate in the Constitutional Conventions of 1846 and 1867, and which is set forth in my messages of the last year, is to keep these great public works as a trust for the million, not seeking to make revenue or profit to the sovereign out of the right of way.

The State originally undertook the construction and administration of the public works in order to secure a facile and cheap transportation to which private enterprise was then and long afterward inadequate.

It early opened to free competition every mode of transit, even in rivalry to its own works, for the interchange of the agricultural products of the West, and of the manufactures and merchandise of the East.

It has not exacted from the trust a full return of its advances; but in expenditures in excess of the revenues and defrayed by taxes, and in remission of tolls, it has made large sacrifices to cheapen the cost of transportation.

It has not sought to limit the advantages of its policy to its own citizens, nor has it paused because the prices — even for our own consumption — of exported cereals and other agricultural products are fixed by foreign markets, so that the benefits of a reduced cost of conveying them to the seaboard accrue chiefly to the western producers.

#### SITUATION AT THE LAST SESSION.

In the progress of the last session it became obvious that the retrenchment in the ordinary expenses of the canals, and in the outlays for new work recommended in the message, were not likely to be in any degree realized. The appropriations for ordinary repairs, as passed by the assembly and by the Canal Committee, were nearly

equal to those of the previous year. The appropriations for new work, as called for by the budget submitted by the Canal Commissioners to the committees of the Legislature, were at least as large as the similar estimates of the year before.

In the meantime, the canal revenues for the months of September and October, which are in the then current fiscal year, were falling off one-quarter of their former amounts; and the forwarders, boatmen and others engaged in transportation, were appealing for a reduction in the tolls, in order to enable them to continue their business.

On an investigation, induced by this emergency, it was found that in the preceding five years the State had levied taxes of between eleven and twelve millions of dollars for extraordinary repairs besides deficiencies in the sinking fund, thereby imposing a burden of almost three millions a year upon the tax-payers.

And upon inquiry as to how these vast sums had been expended, it appeared that much had been for objects of no real utility; that many of the contracts had been obtained by sham biddings in evasion of the law, and there was reason for suspicion as to the durability and value of the work.

#### REFORM.

In this condition of things, I proposed a reconciliation between the discontented tax payers and the distressed transporters by a thorough reform in the service and the system, which should remit taxes, reduce tolls, and increase the efficiency of the canals.

#### INVESTIGATING COMMISSION.

The first step was to obtain the information necessary to enable remedies to be devised and wisely applied. The commission appointed under the joint resolution and statute, consisting of Messrs. John Bigelow, Daniel Magone, Jr., Alexander E. Orr and John D. Van Buren, Jr., immediately after their organization, made such personal inspection of the most important parts of the canals as was possible before the water was let in for navigation; and after that was done, they proceeded to investigate many of the contracts for work on the canals and the transactions connected with them.

I shall not outrun the public sense of the great and onerous service which these gentlemen have given to the State when I say that they have executed the trust reposed in them with unswerving and impartial fidelity, and with distinguished intelligence and ability.

The frauds are not the simple case of embezzlement of public money, or a cheat in the payment of taxes, but are to be traced through the complicated work of construction, and are sheltered by the complicity or connivance of officials whose duty it is to protect the State. The truth has to be discovered and the proof obtained from unwilling and sometimes unscrupulous witnesses.

The primary object is to reform the system and establish every possible security against a recurrence of the evils. While security

for the future is of transcendent importance, indemnity for the past is to be sought. Civil and criminal redress is to be enforced.

If it is a matter of toil and difficulty to make the investigations effectual, it is infinitely more so to conduct the actions in the courts to their conclusion, in cases so numerous and complicated. It will be necessary for you to make a special appropriation for aid to the Attorney-General.

#### INCOME AND EXPENSES OF CANALS.

The income and expenses of the canals for the fiscal year ending September 30, 1875, are shown by the following table:

**STATEMENT showing the tolls received on each canal, and the total expenditures for ordinary and extraordinary repairs and new work during the fiscal year ending September 30, 1875.**

CANALS.	Income tolls.	DISBURSEMENTS.			Income in excess of disbursements.	All disbursements in excess of income.	Income in excess of disbursements for ordinary repairs.	Disbursements for ordinary repairs in excess of income.
		Ordinary repairs	Extraordinary repairs and new work.	Total.				
Erie Canal.....	\$1,708,374 72	\$408,965 09	\$573,098 77	\$1,477,063 86	\$231,290 86	.....	\$304,389 63	\$25,049 34
Champlain Canal.....	110,883 17	185,942 51	243,343 89	379,286 40	.....	.....	.....	13,987 96
Oswego Canal.....	45,087 60	99,014 95	10,835 98	109,850 93	.....	.....	.....	14,511 06
Cayuga and Seneca Canal.....	13,616 07	27,987 15	9,706 83	37,724 03	.....	.....	.....	21,519 09
Chemung Canal.....	1,717 52	23,280 41	3,076 53	26,306 98	.....	.....	.....	27,627 73
Chemung Canal.....	2,000 83	24,537 41	8,077 49	37,614 90	.....	.....	.....	27,627 73
Black River Canal.....	7,514 64	44,846 17	.....	47,846 17	.....	.....	.....	27,627 73
Genesee Valley Canal.....	12,403 56	97,841 83	9,151 18	109,996 57	.....	.....	.....	85,485 07
Onondaga Lake Canal.....	.....	.....	21,848 55	21,848 55	.....	.....	.....	.....
Baldwinsville Canal.....	.....	.....	94 50	94 50	.....	.....	.....	.....
Onondaga River Improvement.....	215 40	.....	.....	.....	130 80	.....	215 40	.....
Seneca River Towing Path.....	380 63	.....	.....	.....	380 72	.....	380 72	.....
Cayuga Inlet.....	128 06	7,386 80	.....	7,386 80	380 83	.....	380 83	.....
Crooked Lake Canal.....	.....	.....	.....	.....	.....	.....	.....	7,270 71
	\$1,902,990 64	\$1,264,721 79	\$573,513 80	\$2,238,035 59	\$321,871 41	\$568,916 36	\$305,064 63	\$368,795 83

Total disbursements on all canals in excess of tolls, \$335,044.95.  
Tolls in excess of disbursements for ordinary repairs, \$638,268.85.

#### REAL INCOME.

It will be seen that the income is stated at \$1,902,990.64, and the explanation is made at the Auditor's office that as the receipts are a month later than the earnings the computation includes the receipts of September, 1874, and excludes those of September, 1875. As the former month yielded \$166,341.10 more than the latter, except for this mode of computation the result would be \$1,736,651. The estimate in my special message of March 19th, founded on the data there given, was \$1,715,168. The calendar year 1875 gives only \$1,584,018.

#### COMPARATIVE STATEMENT, 1874 AND 1875.

The following is a comparative statement of the revenues and expenses for the fiscal years 1874 and 1875, furnished at the Auditor's office:

*Statement showing the aggregate receipts and payments on account of the ordinary expenses of the canals for the last two years.*

	1874.	1875.
Receipts from tolls, etc .....	\$2,947,972 91	\$1,925,995 63
Payments to Superintendents and repair contractors.....	\$1,176,021 46	\$985,105 10
Payments by Canal Commissioners for repairs.....	121,694 91	279,616 09
Payments to Collectors and their assistants.....	84,833 44	75,857 41
Payments to Weighmasters and their assistants.....	12,846 30	12,118 08
Refunding tolls, salaries of officers, etc.....	74,070 68	61,759 65
Reserve balance of appropriation for concreting the sixteen locks and retraining the upper and lower Mohawk aqueducts .....		52,859 01
Total expenses for the year.....	\$1,499,496 88	\$1,467,815 95
Net receipts .....	1,478,506 08	458,679 68

This statement shows a falling off in the toll receipts of the last fiscal year, as compared with those of 1874, of \$1,021,977.28; decrease in payments of \$2,150.88, and a loss in net receipts of \$1,019,826.40 — the net revenue being \$625,610.70 short of the requirements of the sinking fund, under article 7, section 3 of the Constitution; the amount required being as follows:

Interest, in coin.....	\$634,290 38
For sinking fund.....	450,000 00
	<hr/>
	\$1,084,290 38
Actual surplus .....	458,679 68
	<hr/>
Deficiency.....	\$625,610 70

It is to be noted that the expenses during all the present year, except the last two months of navigation — that is, up to September

**EXPLANATORY COMMENT.**

30, 1875 — were under the appropriations of 1874. The reductions effected at the last session did not begin to operate until October 1, 1875.

The diminution in business caused by the bad condition of our domestic trade, the growing diversion by the completion of railways and the reduction of tolls, all operated from the beginning of navigation, or five months out of the seven of the season earlier than the reduction of expenses.

The falling off of income in the last two months of 1875, as compared with the last two months of 1874, is less than the reduction in ordinary expenses and repairs for the fiscal year commencing October 1, 1875.

**FUTURE MEASURES.**

In this state of things it is obvious that our first measure should be to ascertain completely, and without unnecessary delay, the financial condition of the canals; the state of the contracts yet outstanding for extraordinary work, in order to determine what ought to be stopped or abandoned, and what ought to be continued, and the means applicable to any expenditure they may require.

A second measure is the careful and thorough investigation of ordinary expenses and repairs, for the purpose of keeping them down to the lowest point consistent with the efficiency of the canals.

A third measure relates to the disposition of such laterals as are not necessary as feeders. It will be recollected that at the last session, in view of the complicated questions incident to this subject, requiring legal engineering and business skill, and much devotion of time and attention, I recommended its reference to a special commission. The Legislature, however, preferred to charge the Canal Commissioners and State Engineer and Surveyor with the additional duty. I am not advised what report they will make on the subject.

A fourth measure is a radical change in the system of administration. The present machinery is chaotic, and except with something of the unity which existed in practice in the Canal Board, under the old Constitution, is incapable of acting with efficiency or economy. The abuses, perversions of law and morals, improvidence and waste which cling around it, are the growth of years. When a man of average well-meaning and average ability comes singly into one of these administrative offices, the graft develops, not its own nature, but the nature of the parent stem. It is difficult to carry out reform by instruments that are incurably averse to reform; whose indolence, comfort, associations, habits, assistants and advisers, are all naturally opposed to what they are expected to do. Every step of progress is not only through an enemy's country, but beset by unexpected betrayals.

A constitutional amendment, changing the system of administering the canals, was unanimously passed by both houses at the last session. Your attention is respectfully called to the importance of an early consideration of the subject.



A fifth measure is the continuance for the present year of the reduction in the tolls made for last year.

A sixth measure is to subject all the work called extraordinary repairs to a systematic and thorough scrutiny, and discard everything that is not clearly and certainly necessary. When the *débris* of the old rotten system shall be cleared away, there is a work of real utility and small cost, which will claim an early attention, and for which the people would be willing to provide the means. On this topic I repeat the remarks contained in the special Canal Message of March 19, 1875 :

"In my judgment, a far more important improvement of the Erie canal would be effected by a thorough system of ordinary repairs, which should give the water-way its proper and lawful dimensions, and by progressively deepening it, wherever reasonably practicable, from seven to eight feet. As the object would be merely to enable the submerged section of the boat to move in a larger area of water, so that the displaced fluid could pass the boat in a larger space, it would not be necessary to alter the culverts or other structures, or to carry the walls below the present bottom ; and the benefit would be realized in each portion of the canal improved, without reference to any other part of the channel which should remain unchanged. In facilitating the movement of the boat, and quickening its speed, it would increase the amount of service rendered in a given time, and would thereby diminish every element of the cost of transportation. It would benefit the boatmen and carriers more, even, than one cent a bushel remission of tolls. It would be more real utility to navigation than five or ten times its cost expended in the average manner of so-called improvements on the public works. But it is too simple, too practically useful, to enlist the imagination of projectors who seek the fame of magnificent constructions, and of engineers who build monuments for exhibition to their rivals, or to awaken the rapacity of cormorants who fatten on jobs."

I have thus briefly sketched the outline of a policy which is the best method to promote cheap transportation, not only so far as the Erie canal is concerned, but in its general effect upon all methods of transportation.

It seems to me that these measures are entitled to the effective support of the forwarders, boatmen, transporters, as well as to that of the tax-payers, and all who desire to rescue our public works from spoliation.

#### THE NEW CAPITOL.

*The following statement shows the payments for this object from the State Treasury including purchase of lands, etc., to June 20, 1875.*

To September 30, 1863 .....	\$51, 593 66
do 1864 .....	9, 453 55
do 1865 .....	10, 860 08
Carried forward.....	<hr/> \$71,907 29

Brought forward .....	\$71,907 29
To September 30, 1866 Congress Hall block .....	65,250 00
do 1867 .....	10,000 00
do 1868 .....	50,000 00
do 1869 .....	451,215 63
do 1870 .....	1,223,597 73
do 1871 .....	482,942 37
do 1872 .....	856,106 98
do 1873 .....	1,175,600 00
do 1874 .....	610,275 16
From Oct. 1, 1874, to June 20, 1875 .....	1,000,600 00
	<hr/> <hr/>
	\$5,997,495 16

A statement from the clerk of the present commission, which was organized on the twenty-ninth of June, 1875, is as follows:

Amount paid on account of expenditures prior to January 1, 1875 .....	\$263,659 95
Amount expended in construction since the 29th June .....	491,349 95
Estimated liabilities on January 1, 1876 .....	65,542 22

The memorandum attached to the supply bill signed on the 21st of June contains the following observations on

#### THE APPROPRIATION FOR THE NEW CAPITOL.

"Of the million provided for this purpose more than \$200,000 will be consumed in the payment of arrears now existing in the nature of a floating debt, and less than \$800,000 will be applicable to new construction.

"It is with reluctance that I assent to this appropriation. Nearly \$6,000,000 has already been expended upon this edifice. Although the general plan has been determined, the details have not been worked out with such thoroughness and such certainty as to afford any guide as to the amount which will probably be required for the completion of the building. If it were an original question I should have no hesitation in condemning and discarding a work of such unnecessary cost; but it cannot be now abandoned without losing all that has been thus far expended. In deciding on the wisdom of completing it, we are to consider only whether it will be worth the future outlay for its completion. What that cost will be ought to be ascertained with all the certainty attainable. I doubted whether the work ought not to be suspended until the plans of future construction should be settled, and full assurance had that the annual expenditure should be made usefully in furtherance of those plans. In the meantime I favored a reduction of this appropriation below the amount adopted by the Legislature.

"But provisions for this general object were inserted in the Supply Bill. They, perhaps, justify the allowance of this item, especially as the law imposing a tax for raising the money for this purpose will necessarily go into effect, whatever might be done with this appropriation."

The new Commission consists of the Lieutenant-governor, the Auditor of the Canal Department, and the Attorney-general.

The act provides that before any portion, exceeding fifty thousand dollars, of the sum appropriated for the construction of the New Capitol should be expended, full details, plans and specifications of the story of said building containing the legislative halls should be made and approved by the said Commissioners. This requirement of the law was complied with, and the work of construction was prosecuted through the summer and autumn.

The act further provides that "not more than one-half of the said appropriation shall be expended before full details, plans and specifications of the whole of the remainder of said building shall be made and approved in writing," by the Commissioners. This requirement has not, as yet, been complied with, and the work upon the Capitol has been suspended. The plans and specifications have been prepared by the architect, and were submitted to the Commissioners on the 15th day of December, 1875, but they have not, as yet, been approved by the Commissioners.

The determination of all the details of so extensive a building will require much careful consideration.

It is the intention of the Commissioners, before approving the plans for the completion of the New Capitol, to ascertain and report to the Legislature the cost of execution; they are now, as I am informed, engaged in this very necessary preliminary work.

#### INSANE ASYLUMS AND REFORMATORY.

Four State institutions are in process of construction — three asylums for the insane and a reformatory. It might have been supposed that such an extensive provision for the insane as is contemplated in these three institutions could not become necessary on the instant, and that common prudence would have dictated that one institution should be completed before another was begun. But, unfortunately, not even the sacred influences of charity could save these works from the spirit of legislative log-rolling, or the rapacity of local expenditure.

The policy of beginning everything and finishing nothing has prevailed. Construction has been on a scale of costly extravagance.

At the last session two and three-quarter millions of dollars, raised by taxes, had been expended on these four institutions, and about \$450,000 raised by taxes and appropriated remained unexpended, and yet no considerable part of these works had been made available.

The plan was adopted at that session of confining the appropriations for the year to such sums as would make available and bring

into use the portions of the structures most nearly approaching completion.

The construction of the other portions of those buildings, if they are to be completed according to the present plans, may be deferred until after the extinction of the bounty debt in 1877.

The interval will afford an opportunity to revise the whole policy of the State in respect to these institutions, and to reconsider the plans and methods of their construction.

The expenditures thus far are as follows :

Hudson River Asylum :	
Total expenditure to December 20, 1875.....	\$1, 337, 978 52
Buffalo Asylum :	
Total expenditure to December 20, 1875.....	767, 351 91
Middletown Asylum :	
Total expenditure to December 20, 1875.....	454,099 38
Elmira Reformatory :	
Total expenditure to December 20, 1875.....	760,117 98
Total.....	<u>\$3, 319, 547 79</u>

The cost of completing these buildings is as yet a matter of conjecture ; it probably would exceed what has already been expended.

It is quite clear that an outlay of \$5,000 per inmate, for the purpose of providing shelter for the unfortunate objects of public charity, is unreasonable and extravagant. That would be equal to \$25,000 for five persons, which compose the average family in this State. How many families of laborious and thrifty producers can afford to live in a house costing \$25,000 ?

In 1865, less than one-sixtieth of the houses of this State were of stone, and their value was about \$10,000 each, or \$2,000 for each inmate. Those of brick, which are about one-eighth of the whole number, were valued at \$6,000, or \$1,200 for each inmate. Those of wood, which are three-fourths of the whole number, were valued at \$1,100, or \$220 for each inmate.

I deny that there is any sound public policy in erecting palaces for criminals, for paupers, or for the insane. A style of architecture simple, and fitted to the nature of its object, would reconcile artistic taste with justice toward the industrious producers, on whom falls the burden of providing for the unfortunate. Waste in such edifices is not only a wrong to the tax-payers, but by just so much it consumes the fund which the State is able to provide for the objects of its charity.

Nor does the mischief stop with the completion of costly dwellings. The State still has to provide annually for the support of their inmates. By an inevitable association of ideas in men's minds, magnificent homes lead to magnificent current expenditure. The

pride of officers and managers, and of local admirers, and the zeal of benevolence, are freely indulged where they are gratified without expense to those who are swayed by them.

It is to be remembered that, after all, the burden of taxation is chiefly not upon accumulated wealth, but upon the current earnings of the million who carry on their productive industries in frugal homes. They ought not to be the only class disfavored by the policy of the State.

#### STATE PRISONS.

The following statement shows the expenditures and earnings of each of the prisons for the year ending September 30, 1875 :

	Advances from the treasury.	Received from earnings.	Excess of expen- ditures.
Auburn .....	\$308,719 85	\$76,985 62	\$181,783 73
Clinton .....	828,698 18	188,446 25	195,191 88
Sing Sing .....	341,826 20	158,596 64	183,229 56
Miscellaneous expenditures not dis- tributed, including \$23,144.50 for transportation of convicts .....	35,944 50	.....	35,944 50
	\$914,528 18	\$368,978 51	\$545,549 67

The excess of advances from the treasury over receipts from earnings is as follows:

In 1867 it was .....	\$366,874 79
In 1868 it was .....	512,547 74
In 1869 it was .....	595,774 45
In 1870 it was .....	461,304 99
In 1871 it was .....	470,309 23
In 1872 it was .....	465,881 84
In 1873 it was .....	597,289 06
In 1874 it was .....	588,537 42
In 1875 it was .....	545,549 67

The number of convicts in each of the prisons, September 30th, 1873, 1874 and 1875, was as follows:

	1873.	1874.	1875.
Auburn .....	1,104	1,202	1,312
Clinton .....	567	552	553
Sing Sing .....	1,354	1,306	1,616
Total .....	3,025	3,060	3,481

Although the burden imposed upon the tax-payers of the State by these institutions has been slightly decreased within the last three years, I think the people ought not to be satisfied with the present exhibit.

Under a proper system, and with proper management, the prisons of the State, filled, for the most part, with able-bodied men, ought to be self-supporting, if, indeed, they ought not to produce a considerable revenue to the State. Other institutions of a like character, and possessing, in some respects, less advantages, impose no burden upon the people, and one conspicuous institution in this city affords a surplus to the county.

I recommend that a thorough inquiry be made with respect to the management of the State prisons in such manner as the Legislature may think best, to the end that such reforms, both in legislation and in administration, may be accomplished as are necessary to produce the desired result.

I also recommend to your adoption the resolution passed at the last session, and which requires your concurrence, for submitting to the people the constitutional amendment therein contained relating to the State prisons.

#### SALT SPRINGS.

The quantity of salt from the Onondaga Salt Springs, inspected during the last fiscal year, was 6,589,676 bushels, less by 1,515 bushels than the production of the preceding year.

The net revenue from this source was \$5,148.32, showing a falling off, as compared with the preceding year, of \$5,193.35.

It is represented by the Superintendent that a considerable outlay will soon be necessary for repairing and renewing the machinery connected with the works and for completing the sinking of new wells.

I recommend that an investigation be had with respect to the necessity of such expenditure, the best method of operating the works and the general management of the concern.

#### QUARANTINE.

The payments from the State Treasury for this object during the fiscal year ending September 30, 1875, were:

Advances to Commissioners for maintenance of Quarantine establishment.....	\$48,000 00
Salaries of Commissioners .....	7,500 00
Commissioners appointed to confer with the authorities of New Jersey on jurisdiction.....	3,000 00
Pay of police.....	3,953 18
	<hr/>
	\$62,453 18

It seems to me that this establishment ought to be made self-supporting. To that end, I commend the subject to your consideration.

#### THE NATIONAL GUARD.

The National Guard of this State consists of eight divisions, eighteen brigades, one regiment and ten separate troops of cavalry, eleven separate battalions of artillery, and twenty-five regiments, twelve battalions and seven separate companies of infantry. They

comprise 1,505 commissioned officers and 17,908 non-commissioned officers, musicians and privates. The aggregate force is 19,413.

The condition of the guard, as respects organization and discipline, is eminently satisfactory.

The cost of armories and the charge for the rent of such as were occupied under leases in the city of New York had become a serious burden and a gross abuse. Contracts marked with extravagance and improvidence, with favoritism and corruption, had been made. They had become the subject of litigation, and were generally held by the courts to be illegal and void. The rentals claimed are about \$275,000 per annum. The claims for arrears of rent amount to about \$700,000; and the rent to accrue, if the leases should be retained until their terms expire, would be an additional \$1,000,000.

The fair rent of an armory where property is so valuable as in the city of New York is so considerable that regiments which are reduced to mere skeletons cannot be kept in existence without injustice to the tax-payers of the city. For this reason six of the sixteen regiments and battalions of the first division, which consists of the city of New York, have been disbanded. As the city owns four armories, there will be but six instead of twelve regiments to be provided for. It is hoped that the charge on the city treasury can be reduced to less than a quarter of its former amount. This necessary measure could not be executed without inflicting some wounds in particular cases; and I share the sense of sacrifice of personal associations and patriotic memories.

#### COLLEGES AND ACADEMIES—HIGHER EDUCATION.

The reports to the Regents of the University from the colleges of the State, show a gratifying increase of numbers both of students and graduates. Many of the colleges have received from private liberality additions to their endowments which place them in a condition of comparative independence. The character of instruction is elevated and strengthened, the courses are more comprehensive and better adapted to the demands of the age.

The attendance on the academies and high schools does not much vary from that of the preceding year. These institutions, occupying an intermediate place between the colleges and the common schools, provide for the wants of those who desire more than the latter can furnish, and who are not able to meet the expenses or to give the time required by the courses of the former.

The State Library and the State Cabinet of Natural History, have received valuable additions. Their condition will be exhibited in the reports of the trustees soon to be presented.

#### COMMON SCHOOL STATISTICS.

*For the Year ending September 30, 1875.*

Total receipts, including balance on hand September

30, 1874.....\$12, 516, 362 96

Total expenditures..... 11, 865, 377 79

Amount paid for teachers' wages.....	\$7, 843, 231 67
Amount paid for school-houses, repairs, furnit're, etc.	1, 844, 347 20
Estimated value of school-houses and sites.....	36, 393, 190 00

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Number of school-houses.....	11, 787
Number of school districts, exclusive of cities.....	11, 289
Number of teachers employed for the legal term of school .....	19, 157
Number of teachers employed during any portion of the year.....	29, 977
Number of children attending public schools.....	1, 058, 846
Number of persons attending Normal schools.....	6, 207
Number of children of school age in private schools,	135, 093
Number of volumes in school district libraries....	812, 655
Number of persons in the State between the ages of five and twenty-one years .....	1, 579, 504

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## STATE TAXES IN AID OF COMMON SCHOOLS.

The following statement shows the amount produced annually by the  $\frac{1}{4}$  mill tax for the support of common schools, as provided by chapter 180, Laws of 1856:

1857.....	\$1,074,982 20
1858.....	1,053,680 74
1859.....	1,053,873 04
1860.....	1,064,473 14
1861.....	1,081,325 57
1862.....	1,086,977 96
1863.....	1,090,841 11
1864.....	1,125,749 90
1865.....	1,163,159 76
1866.....	1,148,422 22

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The following shows the amounts produced by the  $1\frac{1}{4}$  mill tax for this object, as provided by section 3, chapter 406, Laws of 1867:

1867.....	\$2,080,134 65
1868.....	2,207,611 42
1869.....	2,325,150 96
1870.....	2,458,751 48
1871.....	2,565,672 37
1872.....	2,610,794 31
1873.....	2,662,032 98
1874.....	2,711,634 84
1875.....	2,959,725 13

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NOTE.—The amount raised by State tax for the support of common schools, prior to the Act of 1856, was \$900,000 annually. (See section 1, chapter 180, Laws of 1856.)



## THE METHOD OF APPROPRIATIONS.

A standing appropriation, such as used to exist before 1846, is prohibited by the Constitution, which requires a revision of old appropriations at the expiration of every two years. The system of making formal appropriations in obedience to a standing law, is liable to the objection that it practically defeats the policy of this constitutional provision. The Legislature does not in fact reconsider, each time, how much ought to be appropriated to the object, but mechanically conforms to the standing law which fixes the rate. The assessors become in effect the power that determines the taxes.

It cannot be supposed that the real value of property subject to taxation has increased during the period when nearly a million has been added to this item of them by nominal enlargements of the valuation. Nor can it be doubted that, in all business, equal services can now be obtained at less prices than 1867. The appropriation ought to be for a specific sum, and the taxes adjusted to provide that amount.

## STATE CERTIFICATES.

An act amendatory (chap. 567) of the general school law was passed at the close of the last session, and became a law by receiving the Executive signature on the 9th of June, 1875. The fifth section of that act made a material change in the law regulating the granting by the State Superintendent of certificates of qualification to teach. That officer was authorized by section 15 of the general school act, passed May 2, 1864, to grant certificates "on the recommendation of any school commissioner or on other evidence satisfactory to him."

A clause authorizing the State Superintendent to issue, "in his discretion," certificates of qualification to graduates of any seminary of a private corporation, known as the Sisterhood of Grey Nuns, on their filing with him their diplomas, appears in an amendment of the charter by chapter 353 of the Laws of 1875, which became a law on the 15th of May. This provision did not purport to make a person having such diploma a qualified teacher, like a person having a diploma of a State Normal School, but merely vested the State Superintendent with a discretion to grant to such person a certificate of qualification. That power the Superintendent had before, and has had for the previous eleven years. The provision had no real effect; it conferred no new power on the Superintendent; it added nothing to his existing power; but it bore the appearance of a special grant of a privilege to one corporation; which may be presumed to have escaped attention, for the bill passed the Assembly once and the Senate twice by the affirmative vote of every member present. But the discretionary power of the Superintendent, under the law of 1864 and under this act, was afterward completely abrogated by the law of the 9th of June. He was prohibited from granting any certificates except on public examination. The law of the 9th of June was later than the Grey Nuns' act, and repealed the clause of that act which authorized the Superintendent,

in his discretion, to grant certificates to graduates of the seminaries of the Grey Nuns' corporation. It went further. It repealed the power which he had under the law of 1864 to do the same thing. If the Grey Nuns' corporation derived any special privilege from the act of the 15th of May, that privilege was destroyed by the law of the 9th of June. A uniform rule is now made applicable to all.

This result is in accordance with the policy of this State as established by the recent constitutional amendment relating to the public schools, which has been and is to be obeyed and executed in good faith.

#### PAUPERISM.

The report of the State Board of Charities will be presented to the Legislature, and I commend it to your earnest attention.

The question, as to the proper mode of providing for the chronic poor, is addressed not only to the conscience and the feelings, but to the reason and the judgment. It is a question not so much of philanthropy as of political economy. The members of the board bring to its discussion great zeal, large experience, and rare intelligence. Without committing myself to the support of all their recommendations, I ask your thoughtful consideration of their suggestions.

The act of 1875, providing for the separation of pauper and destitute children from the adults of the same class, has been put in general operation, but years must elapse before its beneficial results will be fully apparent. This legislation has met with warm approval in other States, and will, no doubt, be followed by many of them at an early day. It remains in this State to secure the separation of children convicted of petty offenses from older offenders, while confined in our penal institutions.

The subject of providing work for paupers, especially of the class styled "tramps," is commended to your consideration. Even if their earnings were small, the fact that this class of persons were compelled to labor in return for their subsistence, would, doubtless lessen the number of applicants for admission into our poor-houses, and for outside relief, and would induce many of them to apply themselves to regular employments.

I renew the recommendation made in my last annual message for a thorough revision of the poor laws.

#### THE STATE CENSUS.

The census taken during the last summer makes the population of the State 4,705,208. The utility of the information it collects, aside from the primary object of providing the means for a re-apportionment of the representation in the Legislature, depends largely upon the promptness with which the compilations are made and furnished to the public. I recommend that provision be made to complete the work as early as the first of next December, and that the requisite appropriation for that purpose be made.

## MUNICIPAL GOVERNMENT.

A commission to consider this important and interesting subject has been appointed under the joint resolution of the last session and is organized and holding its sittings. The restrictions necessary to arrest the creation of municipal debts, which has become a grave evil, affecting one-half of the people of this State, and calling urgently for redress, may well command the attention of the Commission and of the Legislature, independently of the complicated questions involved in the structural organization of municipal government and the distribution of its powers.

## CENTENNIAL EXHIBITION.

A State Centennial Board for New York has been appointed, under chapter 525 of the Laws of 1875, to represent this State, in co-operation with the Centennial Commission appointed by the President of the United States, in the preparations for and at the international exhibition, to be held at Philadelphia, in commemoration of the one hundredth anniversary of the Declaration of Independence. The event not only appeals to the people of the whole United States by the patriotic associations which attend it, but it will be an occasion of unprecedented interest in the opportunity it affords to all our citizens of a personal inspection of the progress and state of the industrial arts in all the countries of the civilized world.

## BANKS.

Eighty-four banks were doing business under the laws of this State on the first of October last. Eight banks organized and commenced business during the fiscal year ending October first. During the same time one bank failed, and three were converted into national banks.

Circulating notes to the amount of \$9,314 were destroyed by the Bank Department, and forty-four banks were credited with lost circulation during the year to the amount of \$246,649, the time for redeeming the same, after the usual legal notice, having expired. The amount of circulation outstanding was, on the first day of October last, \$849,226.50. Of this amount, the sum of \$218,528 was secured by deposits of cash, stocks, or stocks and mortgages. The balance, \$630,698.50, is not secured, it having been issued by banks chartered previous to the passage of the free banking law. There remain but twenty-three of these banks that have not taken steps to finally redeem their notes.

## SAVINGS BANKS.

There were one hundred and sixty savings banks on the first day of July last. Of these five were in process of closing their business. Five have since closed, three by reason of insolvency. The new general law for the regulation of savings banks, does not require them to report in July, as they have formerly done. The

aggregate of assets of these institutions, as appeared from informal reports made to the Bank Department for the first of July last, was \$336,308,236.43. Their deposits amounted to \$316,335,617.82, belonging to 891,992 depositors as represented by the number of open accounts on that date. The increase in deposits during the six months ending July 1, last, was upwards of twelve millions of dollars, and the number of depositors or open accounts, increased, during the same time, 19,494. The total increase in deposits during the year 1874, was \$18,415,564, and, in the number of depositors, 33,026. The aggregate of assets, as shown above, for July last, was not made up in the same manner as that for January 1, last, therefore such aggregate cannot be used for the purpose of comparison. The estimated amount of such assets, on the first of July last, may, however, be stated at three hundred and forty millions of dollars.

#### RECOMMENDATION AS TO SAVINGS BANKS.

It will be observed that the number of depositors in the savings banks in this State is larger than the number of electors who have ever voted at an election; and that the aggregate of their deposits is more than one-eighth of the assessed valuation of all real and personal property.

In view of the fact that these are the savings of the industrious poor, who are less able to assert and protect their own interests than any other class of holders of such vast amounts of property, it is an especial duty in our legislation to shield them from injustice. The absolute safety of their deposits is an incentive to make savings, which is an important object of public policy.

Frequent reports by these institutions should be required. The provisions regulating the character of their investments should be revised with a view to secure greater safety. New guards should be instituted against the tendency of administration to fall into favoritism toward the officers, sure to prove dangerous to the trust; and it should be inquired, in view of the recent and numerous failures, what defects may be shown to exist in the present law, and whether further penalties, in respect to maladministration, can be provided.

I commend the subject to your consideration.

#### TRUST, LOAN AND INDEMNITY COMPANIES.

There were eleven trust, loan and indemnity companies reporting to the Bank Department, July 1, last, one having closed its business during the year preceding. A new trust company began business September 1, 1875, whose capital is not included in the summary. The aggregate capital of these corporations, paid in, as shown by their reports, was \$11,584,475. The total amount of their assets was \$69,654,948, and the amount due from them to their depositors was \$50,365,569.

The estimated amounts of assets, held July 1, by banks, savings banks, trust, loan, and indemnity companies, was \$520,000,000.

The amount due to their depositors was, approximately, \$432,000,-000; and their profits, including surplus fund, may be estimated at \$39,000,000.

#### INSURANCE COMPANIES.

The number of insurance companies subject to the supervision of the Insurance Department, on the 19th day of November, 1875, was 281, as follows:

New York Joint Stock Fire Insurance Companies.....	102
New York Mutual Fire Insurance Companies .....	8
New York Marine Insurance Companies.....	9
New York Life Insurance Companies .....	22
New York Plate Glass Insurance Company .....	1
Fire Insurance Companies of other States .....	91
Marine Insurance Companies of other States.....	1
Life Insurance Companies of other States.....	25
Casualty Insurance Companies of other States .....	4
Canadian Fire Insurance Companies.....	3
Foreign Fire Insurance Companies.....	11
Foreign Marine Insurance Companies .....	4
	<hr/>
	281
	<hr/>

The total amount of stocks and mortgages held by the Insurance Department for the protection of policy-holders of fire, life and casualty insurance companies of this State and of foreign Insurance companies doing business within it, was \$11,036,053, as follows:

For protection of policy-holders in fire insurance companies of this State .....	\$400, 000
For protection of policy-holders generally in life insurance companies of this State.....	3, 790, 091
For protection of registered policy-holders exclusively,	3, 184, 542
For protection of casualty policy-holders, exclusively,	1, 000
For protection of plate-glass policy-holders, exclusively,	50, 000
For protection of fire policy holders in insurance companies of other States .....	60, 000
For protection of fire policy-holders in insurance companies of Canada.....	643, 120
For protection of fire policy-holders in foreign insurance companies.....	2, 604, 300
For protection of life policy-holders in foreign insurance companies.....	303, 000
	<hr/>
Total deposit .....	\$11, 036, 053
	<hr/>

The assets of the life insurance companies of this State amount to nearly two hundred millions of dollars; the amount insured by them to one thousand millions; and their annual receipts to more

than sixty millions. The magnitude of these sums, and the duration and fiduciary character of the engagements of these corporations, make it specially important that the interests of the policy-holders should be guarded with jealous care.

#### DEPRESSION IN BUSINESS.

It cannot be doubted that large classes of our people are suffering great inconvenience from the present state of trade and of manufacturing and mechanical industry, and from the decay of numerous enterprises. Few kinds of business have been recently carried on at a profit. Labor finds scanty employment even at reduced wages. Incomes are lessened or fail altogether. Many investments have become wholly or partially unremunerative. Property is shrinking, losing for the time its circulatory character, and becoming unavailable as a resource to pay debts or to raise money. It is not a convulsion but a partial paralysis. There is nothing of what is called a pressure for money; there is no panic; but a fear to lend except on certain security; and a timidity in borrowing for new undertakings by most persons of prudence or credit.

#### CAUSES.

It is to be hoped that amid these evils, the germs of a better future are springing up, to renew in their origin the elements of individual and social prosperity; but in the meantime attention is naturally drawn to the causes of a state of things which inflicts so much distress. Such seasons have recurred at intervals in the experience of this and other countries. They have usually been produced through the destruction of large masses of capital by wars, revolutions, conflagrations, or failure of crops, or by a temporary mania for bad investments, or by violent reactions of credit. The known facts of our recent business history leave no doubt as to the origin of the state of things we are now experiencing.

#### WASTE OF NATIONAL CAPITAL BY EXCESSIVE GOVERNMENTAL CONSUMPTION.

Eleven years ago our country emerged from a vast civil conflict, in which its aggregate wealth had been impaired to the extent of probably two thousand millions of dollars by a governmental consumption exceeding the whole net income of the people; to say nothing of the destruction of property, industries and productive capacities incident to military operations.

Never was it more necessary that peace should bring healing on its wings.

To replace the capital destroyed, to restore the elements of future natural growth, should have been the object of our policy. A prompt reduction of the enormous governmental expenditure was the first condition. A renewal of the industries of the great communities of the South, which produce so large a share of our exports and raw material, was of great importance. Energy, skill and econ-

omy in production, and frugality in private consumption, the wise conduct of business, and a judicious application of capital and labor were essential. These chief elements of private prosperity were dependent upon public conditions. They were to be promoted by sound government finance, by good methods of revenue—not unduly swelling the cost of the taxes to those who pay them beyond their produce to the treasury; by a discreet management of our vast fiscal operations, and of the currency and of the banking system; by a sober and stable governmental policy—not stimulating to speculative adventures, not inciting miscalculations in business, not enhancing charges for services and risks in commercial transactions.

How completely these conditions have been reversed during the eleven years since the war, appears in a retrospect of the actual events of that period.

#### PRESENT SCALE OF GOVERNMENTAL EXPENDITURE.

The extravagance of our governmental consumption is illustrated by a comparison of the public expenditures of 1870, five years after the close of the war—with those of 1860 and 1850:

	TAXES IN THE UNITED STATES.		
	1850. Gold.	1860. Gold.	1870. Currency.
Federal.....	\$40,000,000	\$60,010,112	\$450,000,000
State, County, City and Town.....	43,000,000	94,186,746	280,591,521
	\$83,000,000	\$154,196,858	\$730,591,521
Population.....	23,191,876	31,443,321	38,558,371
TAXES PER HEAD.			
Federal.....	\$1 72	\$1 91	\$11 67
Local.....	1 85	2 99	7 24
	\$3 57	\$4 90	\$18 91

#### AGGREGATE TAXATION OF ELEVEN YEARS.

The aggregate federal taxation of the eleven years now closing, computed in currency, from the official statements, is more than \$4,500,000,000. The local taxation, assuming the census statement for 1870 as an average, is more than \$3,000,000,000. The aggregate taxation exceeds \$7,500,000,000.

#### ITS RELATION TO NATIONAL SAVINGS.

The daily wants of the masses of mankind, even in the most productive and prosperous countries, press closely upon their daily earnings. It is only a small portion of their current income which they are able to save and to accumulate.

In Great Britain and Ireland, despite the wealth, which their people have long been storing up, especially in machinery and

moneyed capital; despite the yearly influx of one hundred and fifty millions of dollars from interest on investments in other countries, the annual growth of wealth from the savings of all their people is not deemed by the best authorities to exceed six or seven hundred million dollars.

The accumulated wealth of the United States is the result of a shorter period of growth, and is less in amount. We have to pay to foreign creditors annually, in coin, more than \$100,000,000. We are richer in the natural powers of the soil; and our labor is, on the whole, more efficient. We earn more, but have less disposition to save, and less of the habit of saving.

#### SUCH CONSUMPTION GREATLY EXCESSIVE.

A governmental consumption in every year, in bad as well as good years, must be considered greatly excessive when it amounts to a share of the national earnings larger than the whole people are able to save in prosperous times for all new investments; for erecting dwellings and other buildings; for improving farms, increasing the stock of live animals and of agricultural implements; for all manufacturing and mechanical constructions and machinery; for all warehouses and stores, and increased supplies of merchandise; for ships and steamers, and telegraphs, and railroads, and their equipments; for all objects which individual and corporate enterprise provide for the future, in the progress of a populous and rapidly growing community.

#### INCIDENTAL EVILS.

Such taxation is in itself a monstrous evil; and its incidents aggravate its direct injuries. When the exaction from the people was, as in 1860, one-quarter of its present amount per head, even if it were unscientific and unskillful in the levy, the mischief was comparatively inconsiderable. But with the quadruplication of the exaction, the difficulty of obtaining good methods of imposing it, is greatly increased; and the mischiefs of bad methods become well nigh intolerable.

When governments take from the people, for official expenditure, nearly all the surplus earnings of individuals, science and skill in the art of taxation become necessary — necessary to preserve and enlarge the revenue — necessary to gild the infliction to the taxpayers. Our present situation is that we have more than European burdens, as seen in the most costly governments of the richest of modern nations supporting immense navies and armies and public debts; and to these burdens we have conjoined an ignorance and incompetency in dealing with them, which is peculiarly our own. We have not yet acquired the arts belonging to a system which the founders of American government warned us against, and fondly believed would never exist in this country.

#### SACRIFICE CAUSED BY UNSKILLFUL MODES OF TAXATION.

The consequence is that the pecuniary sacrifices of the people are not to be measured by the receipts into the treasury. They are



vastly greater. A tax that starts in its career by disturbing the natural courses of private industry, and impairing the productive power of labor, and then comes to the consumer, distended by profits of successive intermediaries, and by insurance against the risks of a fickle or uncertain governmental policy, and of a fluctuating governmental standard of value—blights human well-being at every step. When it reaches the hapless child of toil, who buys his bread by the single loaf and his fuel by the basket, it devours his earnings and inflicts starvation.

#### A GOVERNMENTAL CLASS OF TAX CONSUMERS.

Another evil of such a system of excessive taxation is, that it creates and nourishes a governmental class—with tendencies to lessen services and to enlarge compensation, to multiply retainers, to invent jobs and foster all forms of expenditure—tendencies unrestrained by the watchful eye and firm hand of personal interest, which alone enable private business to be carried on successfully. In other countries such a class has found itself able, sometimes by its own influence and sometimes in alliance with the army, to rule the unorganized masses.

In our country it has become a great power, acting on the elections by all the methods of organization, of propagating opinion, of influence, and of corruption. The system, like every living thing, struggles to perpetuate its own existence.

Every useful and necessary governmental service, at a proper cost, is productive labor. Every excess beyond that, so far as it is saved by the official, merely transfers to him what belongs to the people. So far as such excess is consumed, it is a waste of capital, as absolute, as if wheat of equal value were destroyed by fire or gold were sunk in the ocean.

#### WASTE LARGER THAN NATIONAL DEBT.

Probably such waste by governmental expenditure in the eleven years since the war, amounts to at least as much as our present national debt.

#### MISGOVERNMENT IN THE SOUTH.

It cannot be doubted that the systematic and extreme misgovernment imposed on the States of the South has greatly detracted from our national prosperity. In those impoverished communities it has not stopped with the ordinary effects of ignorant and dishonest administration. It has inflicted upon them enormous issues of fraudulent bonds, the scanty avails of which were wasted or stolen, and the existence of which is a public discredit, tending to bankruptcy or repudiation. Its taxes, generally oppressive, in some instances have confiscated the entire income of property, and totally destroyed the marketable value.

#### ITS EFFECTS.

In a region five times as large as the British Isles and three times as large as France, abounding in all the elements of natural

wealth, it has destroyed confidence and credit in all transactions, diffused uncertainty and distrust everywhere, and consumed existing capital while retarding production and paralyzing the enterprise by which such waste might be repaired and future growth assured.

#### HOW IT IS MAINTAINED.

This system, after its character became known to us as well as to those directly affected, abhorred by all the intellect and virtue of the communities in which it exists, and by their public opinion, has been maintained through long years by the favor and patronage of the federal government—by the moral coercion of its prestige—by the standing menace and occasional exercise of its military power.

#### INJURY TO OUR OWN PROSPERITY.

It is impossible that such wrongs should not react upon us. The immediate sufferers by it are the producers of four-tenths of the exported commodities, excluding specie, of our whole forty millions of people, and of the most important raw materials of our own domestic manufactures. They are agricultural communities, which, more than any others, sell what they produce and buy what they consume. They are our most valuable customers for the products of our own industries and for our merchandise; and they make us factors in all their transactions. The State of New York, which contains the commercial metropolis, receives the largest injury; but its consequences extend throughout the whole country.

#### EXCESSIVE SPECULATION.

Other influences have been at work to deteriorate the financial condition of our people. The period has been full of tendencies to unsoundness in the management of private business, and in the habits of families and individuals.

A series of speculative excitements has incited to enterprises which have turned out to be unremunerative, and to investments which fail to yield revenue and have lost their salable value. The capital embarked in such undertakings is destroyed. Large classes find their incomes diminished, and their convertible property reduced.

#### OVERTRAIDING.

Even the operations of regular business partook of the spirit of the times, and became too much expanded. Profits which came in part from the swelling of nominal prices, tempted those who were unexpectedly enriched to count on their continuance, and to enlarge their undertakings or engagements under that illusion.

One who had half his capital invested in land and buildings and machinery, which is called fixed capital—and half invested in raw materials and funds to employ workmen, which is called circulating

capital, and was doing a safe and easy business—was induced, for the purpose of enlarging that business, to double his investment in fixed forms. He, therefore, needed double the circulating capital; and instead of owning it all, had to borrow it all. The turn of the times disabled him from selling an enlarged product, or perhaps even an equal product, or of selling without loss; and when he needed loans to double the amount of his former floating capital in order to carry on his business and more in order to hold his product for a revival of the market—he found that lenders had become timid.

Another discovered that an enterprise which may be good takes longer to bring returns than he anticipated.

Another began when credit was easy and failed to foresee how changeable that condition is; and, even though his hopes of profit were undiminished, found it difficult to carry his loans.

#### EFFECTS GENERAL.

When large classes suffer under the effects of these miscalculations, the influence will extend, more or less, to nearly all the community.

A period of falling prices following a period of rising prices, generates such results. Great fluctuations in the hopes and opinion of the public, creating vicissitudes of credit, are the secondary cause, as they are themselves the results of some primary cause.

#### EXAGGERATED COST OF MIDDLEMEN.

An outgrowth of the same morbid condition is the unusual and unreasonable disparity now existing between the wholesale price which the producer receives, and the retail price which the consumer pays. No doubt prolonged fluctuation in prices tends during the upward movement to increase the charges of middlemen, and to enlarge the class. But the root of the evil is the uncertainty and instability. The importer adds to the price of every article he imports, the exporter reduces the price he pays for every article he exports: as insurance against the possible variation in the value of greenbacks when converted into the money of the world, and against the possible changes of governmental policy at Washington.

Nor can it be doubted that the condition of things has been unfavorable to economy and efficiency in the management of business, to frugality in private expenditure and to energy in production.

Such are the immediate causes which have occasioned excessive and unnatural consumption of our national capital, and which have retarded the natural processes of repair and growth during the last eleven years.

What are the ultimate causes, and what are the remedies?

#### NEW YORK'S INTEREST IN THESE QUESTIONS.

To the people of this State these are interesting inquiries. In 1874 our State tax was nearly \$16,000,000. Our local taxes were

over \$42,000,000. Our share of the taxes of the federal government, on the average of eleven years, if computed on population, would exceed \$50,000,000, or if computed on consumption, according to the estimate of the Finance Committee of the Constitutional Convention of 1867, would for the year exceed \$80,000,000.

#### ACTION OF FEDERAL GOVERNMENT THE ULTIMATE CAUSE.

The federal government has the direct and exclusive responsibility for its own immense expenditure, and for its calamitous policy in respect to the great producing States of the South.

It has likewise controlled the currency and the banking of the country. It has been the principal dealer in the precious metals. It has conducted vast fiscal transactions. Its financial secretary has held in his hand, from day to day, the supply and the rates of the loan market in the center of capital and commerce; the terms of our foreign exchanges—the prices of exports and imports—the quality of the circulating medium, the fluctuating standard of values recognized by law as the rule in all dealings and all contracts.

By the force of its example; by its ascendancy over opinion acquired in a period of public danger, during which the people formed the habit of following its leadership; by its means of propagating the ideas according to which its own operations were conducted; by all these, as well as by the direct effects of its action, its measures, and its policy, the federal government has, therefore, practically dominated over all business and all industries, and created conditions which shape the conduct of individuals in their production and consumption, and of local governments in their expenditures, taxation and creation of debt.

#### FALSE REMEDIES.

It is natural that such a condition of men's business affairs should be prolific of illusory and mischievous schemes for relief. A vague notion is extensively entertained that a new issue of legal tender notes would afford an effectual remedy. This fallacy is largely due to the false theory pervading nearly all the literature of political economy as to the agency which the quantity of the currency, even when equivalent to coin, has in causing cycles of high and low prices.

#### ERRONEOUS THEORY.

As high prices and expanded currency and low prices and contracted currency have been usually found together, the effect has been mistaken for the cause. It is often assumed that the banks, even when redeeming their notes in coin, can expand their issues in excess of the needs of the community, and thereby originate and consummate a general and prolonged rise of prices.

#### ANALYSIS OF THE FACTS.

An analysis of the function of the convertible bank note, or of the processes by which cycles of high prices occur, will equally confute

this opinion. A study of the order of the events which have happened in periods of rising prices in England and the United States, under a convertible currency — shows that usually the speculative movement, at all stages, precedes the increase of bank notes.

#### BANK NOTES AN INSIGNIFICANT PART OF CREDIT MACHINERY.

The convertible bank note is but a small portion of the instruments of credit used in a commercial country. It is adapted to the wants of persons who do keep bank accounts, and the wants, in petty transactions, of those who do keep bank accounts. It bears no interest; and the holder has a motive to keep on hand only so much as he thinks he may require for expected or possible purchases or payments, and to invest or lend the surplus so that it will become productive.

If a bank lends its note to a borrower to make a payment or a purchase, the use for that purpose is but for an instant. Unless the note is received by or passed to some person who detains it for a future purpose, it immediately goes back to the issuer through the exchanges with other banks. It has to be redeemed by reducing other loans, or by a temporary loss of a portion of the usual reserve of the issuer. The life of a bank note is made up of a succession of instantaneous uses, alternating with a succession of prolonged detentions.

The quantity that will stay out at any given time depends mainly on the expectancy of individuals as to future transactions, and, in a lesser degree, on the state of prices, which vary the amount used in the same transaction. In times of rising speculation, the wants of the community absorb a larger quantity. Each transaction employs an amount enlarged in proportion to the enhanced prices; transactions become more frequent, and the detentions of the means of future transactions are increased by a greater disposition to make them, and less care to economize interest.

It is the competition of buyers which puts up prices in a period of speculation. Bank notes have infinitely less to do with originating speculation, or even furnishing the means whereby it can be sustained, than the other parts of the machinery of credit.

Bank notes, or currency, as they are called, are but an insignificant portion of the means of purchase or payment. The transactions effected by check, operating to transfer bank deposits, in the city of New York amount now, in every eight days—and some years ago amounted in every five days—to as large a sum as all the legal tenders and bank notes in the hands of the people of the whole United States. The payments effected at the London clearing-house amount in every two days to as much as the whole circulating medium of the United Kingdom. The other instruments of credit by which business is carried on—such as book accounts, notes of hand, bills of exchange, drafts, checks on bank deposit—are thus many times the volume of bank notes.

**OTHER INSTRUMENTS OF CREDIT PREFERRED.**

Speculative purchases are nearly always initiated by the use of personal credit. In such times confidence is high; credit is freely given and readily accepted. The transactions are generally made on book accounts or notes of hand. These are at the command of the buyers in unlimited amount, and without delay or inconvenience. Bank credits called deposits — like bank notes — can be obtained only by borrowing. For such purposes bank notes are only used in small transactions, and to a comparatively insignificant extent.

**BANK NOTES SLOW AND DIFFICULT OF INCREASE.**

The issue of bank notes, if not limited to a fixed amount, is generally restrained by laws which require a deposit of securities with the government; and the process of issue is so slow and inconvenient that a sudden and large increase is not possible. Those that are in the hands of the public cannot easily be collected in large amounts, but are scattered in small sums among millions of holders throughout a continent.

**CONCLUSION.**

On the whole, then, it is demonstrable that bank notes or currency, when convertible, have less agency in originating or facilitating a general speculation than any other portion of the vast machinery of credit of which they form so inconsiderable a part. The false theory, that they are the master-cause of prices and fluctuations of prices, and that a governmental regulation of their volume will avert the tremendous vicissitudes in business to which commercial countries, carrying on vast credit transactions, are periodically subject, was the basis of the plan adopted in 1844, on the recharter of the Bank of England. The theory was then seen, by a few of the best thinkers, to be destitute of truth. It has since been completely refuted by experience.

**A PROLIFIC FALLACY.**

In the infancy of the very modern science of political economy a metaphor was accepted as an axiom. It was said that, if purchasers should suddenly find two gold coins for one in their pockets, they would pay double price for commodities. The proposition has no truth in it, except by assuming as a condition the result to be proved. It would not be true of any one buyer. It could not be true of all collectively, unless a fall in the value of gold had previously happened. The increased quantity could exist only as a consequence of an increased demand at the same value, or of a decline in the cost of production. In modern times, the increase in wealth and commerce is many fold the increase of population. The medium of exchange required is vastly larger than the accumulation of the precious metals; and an increased extension of credit machinery has become necessary. Bank notes, or other circulating

credits, costs as much to all save the issuer, as an equal value in coin. They have to be paid for by all who use them.

If individuals prefer to use coin to even a small proportion of their ability, or to hold their savings or reserves in coin; if traders, commercial companies, and governments increase their reserved stocks of bullion to even a small percentage of the extension of their operations, the absorption would outrun the production of the precious metals, taking no account of the insatiable demand of the Asiatic nations.

#### PRICE NOT A RATIO TO QUANTITY.

The fact is that price is not a mathematical ratio to be computed like a logarithm. The variations of the market are estimated by reasoning beings on the best judgment they can form of the happening and the effect of future events. The laws of market or temporary price are different in every case. An excess of oranges which perish in a few days, or of artificial flowers which go out of fashion, is worthless. An excess of gold, which is indestructible, and easy, cheap and safe to hold, involves a loss of interest, at the lowest rate, for the period it is likely to remain on hand.

#### LAW OF DEPRECIATION OF INCONVERTIBLE CURRENCY.

The depreciation of our legal tender treasury notes, is not to be measured by any arithmetical formula. The law which governs it is the discount for interest until the probable time of payment, and for insurance against risk, as those two elements are estimated by the general judgment of investors. To create a demand for it, by receiving it in government transactions, or to reduce its supply below the demands created by law from individuals for use as legal tenders, is for the government to make an artificial market, which operates, so far forth, as a practical redemption.

#### HOW ISSUES OF LEGAL TENDERS INFLATED PRICES.

It is consistent with this reasoning to admit and assert that the issue of legal tender treasury notes, during the late civil war, exerted great power over prices. It acted on the public imagination in respect to future values. It excited great distrust that the government, instead of having recourse for its means of war expenditure to the vast mass of our national wealth by loans and taxes, resorted to a debasement of the comparatively insignificant fund of circulating credits, with which private business is carried on. It excited a grave sense of doubt how often, and to what extent, it might recur to so dangerous an expedient; great misgiving as to the time and the certainty of ultimate redemption. Under these influences, in the vicissitudes of military operations, the discount became large — touching, at its extreme point, 65 per cent on the par value of the issues.

#### INFLUENCE OF OPINION AND IMAGINATION.

The human imagination seldom fails to exaggerate any desired or dreaded reality to which it looks forward, and it acts a great part

in those cycles of ascending prices and descending prices which happen in highly commercial countries. The origin is in some event creating an anticipation of a rise in the market-value of one or more commodities, which extends as by contagion to others—or in an expectation of a general rise of prices. The upward movement sometimes continues for several years. The excitement begins with dealers for profit or speculation. The instruments of credit first brought into requisition are those which are commonly used by these classes. The small consumers are the last reached. Then bank-notes are expanded, and they generally continue to increase for some time after the downward turn of the speculation.

#### REACTION.

The reaction would take place by the mere exhaustion of the speculative impulse. Sometimes it does happen without any other cause. A speculative movement, when it ceases to go upward, can but fall. But often some special cause intervenes to precipitate the catastrophe.

#### CAUSES OF PRESENT REACTION.

In our present case, the most important cause of reaction is the immense waste of our capital, which has gone on in all the modes described, and especially by excessive governmental consumption. An accessory cause is the fall in prices of many of our staples, which are now produced in excess of the capacity of private consumption by an impoverished people. There are also moral causes acting on the public mind. A popular error existed that prices would not fall so long as the volume of legal tenders and bank notes continued undiminished. Many made their business calculations on that theory, and are disappointed and their confidence in their own opinions unsettled.

These special causes, in addition to the natural exhaustion of a fictitious excitement, broke the public illusions, which had been generated by false systems and false theories. A great change ensued in the opinion and feeling of the people, in confidence and credit in the voluntary machinery of business, which expands and contracts according to the fluctuating temper and purposes of individuals. A corresponding fall of prices resulted.

#### CURRENCY EXPANSION FAILED TO STOP REACTION.

But the quantity of legal tenders and bank notes in the hands of the public had not been diminished. The quantity, excluding those held by the treasury and the banks, was larger at the crisis in September and October, 1873, than at any previous time. Yet the continuance of the volume of the currency — the enlargement of it, did not inflate prices — did not even stay the fall of prices.

#### MODERATE ISSUE FUTILE.

§ In such a state of facts, it is obvious how utterly futile to arrest ;



how more than futile to reverse the operation of these potent causes would be a new issue of any moderate quantity of legal tenders.

A sudden and unexpected deficiency of currency sometimes happens; and, before business can be adapted to the new condition, or can find a substitute in some other instrument of exchange, much temporary inconvenience may be felt.

Such a state of things — to which a new issue might be adapted — does not exist. On the contrary, there is assuredly an adequate supply of currency for the wants of business — and even a surplus. In eight years out of ten, the demand for from five to ten per cent additional currency in the autumn to move the crops, creates what is called a “fall pinch.” There was none in 1875. The surplus currency previously on hand more than provided for that special temporary demand. The banks continued to lend their balances on call at low rates. The tendency to reduce the circulation because of the lack of profitable employment is still manifest. The New York city banks reduced their outstanding notes, between 1873 and 1875, from \$28,000,000 to less than \$18,000,000.

#### WOULD NOT BELIEVE EMBARRASSMENT.

Nor would such an additional issue of legal tenders give any direct relief to embarrassed persons. The notes issued would have to be paid for. The difficulty with embarrassed persons is that they have not available property to convert into currency. If they had the conversion could be as well effected with the existing mass of currency as after such a new issue.

Nor would any moderate issue of legal tenders have the least power to revive the condition of business through which we have passed; the condition of high and rising prices — of universal disposition to enlarge operations, undertake new enterprises, and enter into new speculations — of unsound confidence and reckless use of credit; a condition which imparted an apparent but fictitious prosperity to every thing and everybody, and furnished an unnatural market for all property. Experience shows that, after such a state of business, a period follows, in which the opposite ideas and feelings prevail. Such is the case now. With all the agencies having real power to create such a condition of business, operating strongly in the contrary direction, the effort to reproduce that condition by an agency never capable of much effect, would be perfectly futile. If the treasury should pay out a moderate additional quantity of legal tenders, they would not go into circulation or act on prices. They would merely accumulate in the money centers and reduce the rate of call loans of bankers' balances.

#### INDEFINITE ISSUE WOULD, MODERATE ISSUE MIGHT, CAUSE DISASTER.

It would be only by a large issue, or the menace of a large or indefinite issue, that a decided effect on prices could be produced. That would create alarm of such an impending depreciation as to threaten creditors with a confiscation of their debts, and holders of

currency with its loss; and they would hasten to exchange it for property. Any issue, which should act on the imagination, inciting wild estimates or wild fears of the future, might induce a speculative depreciation of the price of the currency and inflation of the prices of property.

The evil, even of a moderate issue, when the currency already exceeds the wants of business, and the increase cannot be pretended to be for any legitimate purpose, especially if the object of removing individual distress by creating fictitious prices be avowed, is that it strikes at the root of all confidence and all credit. If the principle be once adopted, everybody will inquire how often such an expedient may be repeated, how far it may be carried.

An attempted expansion of the petty volume of the currency, under circumstances which cause a real contraction of the whole vaster volume of credit machinery, which fill all lenders with dismay and which destroy public confidence, hope and faith, that are the basis of credit systems and credit operations, is self-destructive. It can be prolific of nothing but general disaster.

#### SOUND FINANCE DEMANDED.

The temper which now predominates among the people revolts at financial quackery. It is no longer susceptible to flattering illusions which have exploded amid the wrecks of individual fortunes and private prosperity. It is excessively incredulous. It demands sound measures, such as commend themselves to the judgment of the best intellects and the best experience.

#### SPECIE PAYMENTS WITHOUT CONVULSION.

After eleven years of convulsion without a restoration of specie payments, it now claims a restoration of specie payments without a convulsion. The problem does not seem difficult. Resumption by the government will accomplish completely resumption by the banks. The treasury has only, by gradual and prudent measures, to provide for the payment of such portion of the outstanding treasury notes as the public, not wishing to retain for use, will return upon it for redemption. The sum required in coin, if the preparations be wisely conducted so as to secure public confidence, will be what is necessary to replace the fractional currency and to supply such individuals as prefer coin to paper for their little stores of money; and also what is necessary to constitute a central reservoir of reserves against the fluctuations of international balances and for the banks. To amass a sufficient quantity by intercepting from the current of precious metals flowing out of this country, and by acquiring from the stocks which exist abroad, without disturbing the equilibrium of foreign money markets, is a result to be worked out by a study of all the conditions, and the elements to fulfill those conditions, and by the execution of the plans adopted, with practical skill and judgment. Redemption, beyond this provision of coin,

can be effected as other business payments are effected — or in any method which converts investments without interest into investments upon interest, on terms the holder will accept — and by such measures as would keep the aggregate amount of the currency self-adjusting during all the process, without creating, at any time, an artificial scarcity, and without exciting the public imagination with alarms, which impair confidence, contract the whole large machinery of credit and disturb the natural operations of business. The best resource for redemption, is that furnished by public economies; for it creates no new charge upon the people; and a stronger public credit is certain to result from sounder finance, and will reduce the annual cost of the national debt.

#### EXAMPLE OF FRANCE.

These opinions, deduced from reason, are confirmed, in a recent example, by experience. France, in her ten months' contest with Germany, incurred a war expenditure of one thousand millions of dollars in specie values; and in the twenty-eight months following the peace, paid an indemnity of one thousand million of dollars in specie, or its equivalent, to a foreign country. These great operations were carried on without causing a depreciation of the currency beyond two and one-half per cent at its extreme point; and without disturbing the general business or industry of the people.

#### OUR GREAT NECESSITY.

What is most needed now is that the public mind be reassured by a wise, safe and healing policy. The dread of imaginary evils ascribed to the methods assumed to be necessary to restore specie payments, is more mischievous than the reality, wisely pursued, ought to be. As soon as the apprehensions of an impending fall of values is removed, manufacturing and mechanical industries will start anew, dealers will buy for future consumption, enterprises that commend themselves to the sober judgment of investors will be undertaken, and capital, which now accepts any low rate of interest, where there is no risk, but is withheld from operations of average character, will be lent on reasonable conditions.

#### TRUE REMEDIES.

But the remedies for the evils now felt by the people in their business and industries must extend beyond any measures merely relating to the currency. They must be broader and deeper. They must begin with a prompt and large reduction in governmental expenditures and taxation, which shall leave in the hands that earn it a larger share of the result of labor. They must proceed by withdrawing, as much as possible, governmental interferences that cripple the industries of the people. They must be consummated with an increased efficiency and economy in the conduct of business and in the processes of production, and by a more rigorous frugality in private consumption. A period of self-denial will replace what has been wasted.

We must build up a new prosperity upon the old foundations of American self-government ; carry back our political systems toward the ideals of their authors ; make governmental institutions simple, frugal, — meddling little with the private concerns of individuals, — aiming at fraternity among ourselves and peace abroad — and trusting to the people to work out their own prosperity and happiness. All the elements of national growth and private felicity exist in our country in an abundance which Providence has vouchsafed to no other people. What we need to do is to rescue them from governmental folly and rapacity.

SAMUEL J. TILDEN.

## APPENDIX.

WHOLE AMOUNTS OF ISSUES EXISTING AT THE DATES SPECIFIED.

	1871. Oct. 2.	1872. Oct. 3.	1873. June 13.	1873. Sept. 12.	1873. Oct. 13.	1873. Nov. 1.	1873. Dec. 26.	1874. Oct. 2.	1875. Oct. 1.
National Bank Notes .....	\$315,519,117	\$353,495,027	\$338,738,504	\$339,081,799	\$341,582,601	\$242,350,844	\$341,320,258	\$333,225,298	\$315,350,379
State Bank Notes .....	1,321,053	1,567,143	1,224,470	1,193,853	*1,150,000	*1,150,000	1,130,585	864,997	772,543
Legal Tenders and Demand Notes.	\$254,093,053	\$358,069,152	May 31. \$354,082,622	Oct. 1. \$338,079,742	Sept. 30. \$354,079,742	Oct. 31. \$360,932,908	Dec. 31. \$378,431,339	Oct. 1. \$382,075,407	\$274,010,956
Fractional Currency .....	38,567,175	40,430,437	45,276,642	46,229,382	46,228,891	47,876,149	48,514,702	46,731,018	40,783,876
Totals .....	\$712,100,404	\$731,628,759	\$741,372,238	\$742,579,756	\$745,041,724	\$752,329,199	\$769,446,972	\$762,996,720	\$738,917,253

	Oct. 2.	Oct. 3.	June 13.	Sept. 12.	Oct. 13.	Nov. 1.	Dec. 26.	Oct. 2.	Oct. 1.
National Bank Notes in banks.....	\$14,270,851	\$15,737,296	\$20,394,772	\$18,103,842	\$18,091,901	\$18,770,832	\$21,403,179	\$18,450,013	\$19,523,297
Legal Tender Notes in banks.....	106,967,066	102,074,104	106,331,491	92,847,663	81,510,232	94,047,221	108,719,506	80,016,946	70,456,794
Certificates in banks for legal tenders on special deposit in treasury .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Legal tenders on special deposit in treasury to redeem bank notes.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fractional currency in banks.....	Oct. 2. \$3,066,486	Oct. 3. \$3,151,748	June 13. \$3,197,669	Sept. 12. \$3,802,775	Oct. 13. \$3,815,580	Nov. 1. \$2,243,087	Dec. 26. \$3,337,464	Oct. 2. \$3,224,943	2,595,681
Currency in treasury .....	Oct. 1. \$16,993,752	Oct. 1. \$3,469,198	May 31. \$4,066,739	Oct. 1. \$3,239,032	Sept. 30. \$3,288,032	Oct. 31. \$4,312,155	Dec. 31. \$4,277,861	Oct. 1. \$16,115,940	4,790,332
Totals .....	\$140,347,884	\$144,142,341	\$164,164,621	\$126,293,312	\$116,456,726	\$123,243,365	\$173,407,960	\$138,507,622	\$179,266,666

AMOUNT IN THE HANDS OF THE PUBLIC.

\$371,729,320	\$397,436,419	\$377,207,617	\$417,236,474	\$393,565,009	\$624,080,844	\$596,038,933	\$569,439,026	\$554,650,002
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\* Estimated.

*Clearing-house loan certificates, 1873.*

	Sept. 23.	Oct. 15.	Nov. 1.	Dec. 26.
Clearing-house loan certificates, New York,.....	\$6,650,000	\$20,560,000	\$20,815,000	\$2,390,000
Other cities.....	.....	Oct. 18. \$8,732,400	10,368,775	.....

## NOTE.

1. In September, 1873, when the financial storm broke, the issues were, at the largest amount they had reached — ten millions more than in October, 1872, and thirty millions more than in October, 1871; and the public held thirty millions more than in 1872, and forty-six millions more than in 1871.

2. From September 12th to October 13th, the issues increased two and a half millions of bank notes; the banks lost eight and three-quarter millions; the public absorbed eleven and one-quarter millions of currency.

3. From October 13th to November 1st, the issues were increased by five millions of legal tenders from the treasury, one and a half of fractional currency, and by one of bank notes, making seven and a half millions; the public lost four and a half millions; the banks gained twelve millions.

The tide had turned; the outflow from the banks had continued sometime after the panic; the influx had now begun.

4. From November 1 to December 26 the issues were increased by eighteen millions of legal tenders and fractionals from the treasury. The banks gained forty-three millions of legal tenders and three millions of bank notes; the public lost twenty-eight millions.

5. In the next nine months, to October 1, 1874, the treasury issued three and one-half millions of legal tenders, and took in one and three-fourths millions of fractional currency. The banks canceled eight millions of their notes, and to cancel more deposited twenty millions of legal tenders. The currency existing fell six and a half millions; the currency held by the public fell twenty-six and one-half millions.

6. From October 1, 1874, to October 1, 1875, the treasury had made no reduction of the legal tenders except to withdraw eight millions on issuing ten millions of bank notes. The cancellation of bank notes was twenty-five millions. The currency in the hands of the public was diminished fifteen millions.

Finally, all through this process, the features have been: 1st. The compulsory currency of the government has been, from time to time, increased or kept stationery, except in one instance when eight millions was withdrawn to be replaced by ten millions of bank notes. 2d. The voluntary currency of bank notes has been diminishing by voluntary cancellation.

3d. But the principal reduction has been by the public, in refusing to use the existing currency, and leaving it to accumulate in the banks. There was seventy-four millions less held by the public October 1, 1875, than October 13, 1873. There was sixty-five millions more in the banks. On the 1st of October, 1875, they could lawfully pay out or lend sixty millions more, if it would be taken and held by the public. During all this time call loans of bankers' balances have been at very low rates, even at the season of the year when they are generally in demand at high rates. There has been a plethora of currency, and a continuous fall of prices.

*Ordered*, That said message be laid upon the table and printed.

(See Doc. No. 2.)

Mr. Harris offered the following :

*Whereas*, The contract for the legislative printing expired on the 23d ultimo, and proposals having been issued by the Comptroller and Secretary of State for a new contract to be made on the 29th inst.,

*Resolved*, (if the Assembly concur), That the clerks of the two houses are hereby instructed to procure to be done and completed by the recent contractors, such printing as may be ordered by the present Legislature, until a new contract is entered into for the legislative printing according to law.

The President put the question whether the Senate would agree to said resolution and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Prince, from the committee appointed to wait upon the Assembly and inform that body that the Senate was organized and ready to proceed to business, reported that the committee had performed that duty.

Mr. Wellman offered the following :

*Resolved*, That the Senate will meet daily at 11 o'clock A. M., until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative

Mr. Woodin offered the following :

*Resolved*, That Hon. William H. Robertson, Senator from the Ninth Senatorial district be and he is hereby appointed President *pro tempore* of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baadan	Emerson	McCarthy	Selkreg
Bixby	Gerard	Moore	Starbuck
Booth	Hammond	Morrissey	Tobey
Bradley	Harris	Prince	Vedder
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wellman
Coleman	Lamont	Schoonmaker	Woodin
Doolittle	Loomis		

Mr. Cole offered the following :

*Resolved*, That a committee of two be appointed to wait upon His Excellency the Governor, and inform him of the election of Hon. William H. Robertson as President *pro tempore* of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee Messrs. Cole and Morrissey.

Mr. Harris offered the following :

*Resolved*, That a committee of two be appointed to wait upon the honorable the Assembly, and inform that body of the election of Hon. William H. Robertson as President *pro tempore* of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris and Starbuck.

Mr. Woodin offered the following :

*Resolved*, That the rules of the last Senate, except rule 3 relative to appointment of standing committees, be adopted for the government of this Senate until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to repeal chapter 353 of the Laws of 1875, entitled 'An act to amend chapter 324 of the Laws of 1871, entitled An act to incorporate the Sisterhood of Grey Nuns in the State of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature, when appointed.

Messrs. Strahan and Faulkner, a committee from the Assembly, appeared in the Senate, and announced that the Assembly was organized and ready to proceed to business.

Mr. Cole, from the committee appointed to wait upon His Excellency the Governor and inform him that the Senate had elected Hon. William H. Robertson as President *pro tempore*, reported that the committee had performed that duty.

On motion of Mr. Woodin, the Senate adjourned.

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## WEDNESDAY, JANUARY 5, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wagner presented a petition of the board of supervisors of Saratoga county to limit the office of county treasurer to one term ; which was read and referred to the committee on the judiciary, when appointed.

Also, a memorial of the board of supervisors of Saratoga county in regard to compensation of public officers; which was read and referred to the committee on the judiciary, when appointed.



Mr. Selkreg presented the petition of James Cavanaugh, claiming the seat of Hon. John C. Jacobs, Senator from the Third Senatorial district; which was read and referred to the committee on privileges and elections, when appointed.

The President presented the Annual Report of the Adjutant-General of the State of New York; which was laid upon the table and ordered printed.

(See Doc. No. 8.)

Also, the Annual Report of the Board of Commissioners of Pilots; which was laid upon the table and ordered printed.

(See Doc. No. 7.)

Also, a resolution of the justices of the supreme court relative to amending chapter 287, Laws of 1859, and chapter 202 of the Laws of 1860, and chapter 486, Laws of 1871; which was read and referred to the committee on the judiciary, when appointed.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, The contract for the legislative printing expired on the 23d ult., and proposals having been issued by the Comptroller and Secretary of State for a new contract to be made on the 29th instant;

*Resolved* (if the Senate concur), That the Clerks of the two Houses are hereby instructed to procure to be done and completed by the recent contractors, at the rates provided in the last contract, such printing as may be ordered by the present Legislature, until a new contract is entered into for the legislative printing according to law.

Mr. Harris moved that said resolution be laid upon the table

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the concurrent resolution instructing the Clerks of the two Houses to procure to be done the legislative printing until a new contract is entered into, with a message that they had concurred in the passage of the same.

Mr. Bixby gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to reorganize the local government of the city of New York."

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend chapter 446 of the Laws of 1874, entitled An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioners in Lunacy,' passed May 12, 1874, passed June 9, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act repealing the limitation upon the expenditure of the sum appropriated to continue the work on the New Capitol building, passed June 21, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance, when appointed.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act in relation to certain employees of the mayor, aldermen and commonalty of the city of New York," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities, when appointed.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and said bill referred to the committee of the whole, and ordered printed.

Mr. Robertson offered the following:

*Resolved*, That the 3d subdivision of rule 17 be amended so as to read as follows: "On judiciary to consist of seven members."

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution; and it was decided in the affirmative.

Mr. McCarthy offered the following:

*Whereas*, His Excellency the Governor, in his late annual message, declares that it will be necessary for the Legislature "to make a special appropriation for aid to the Attorney-General," in order to render effectual the investigations of frauds in the management of the canals, undertaken by the commission appointed by His Excellency, and especially for conducting the actions in the courts to their conclusion; and,

*Whereas*, His Excellency further says, that the frauds exposed by the commission "are sheltered by the complicity or connivance of officials whose duty it is to protect the State," therefore,

*Resolved*, That His Excellency the Governor be requested, at the earliest possible day consistent with the public service, to communicate to the Legislature the results of the investigations thus far obtained by the commission, with the testimony thereto pertaining, and the titles and objects of the actions now pending, with the progress therein made, and the names of the officials charged with complicity or connivance as aforesaid, in order that the Legislature may, in view of the information thus furnished, determine what appropriation, if any, or other measures of legislation may be necessary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris, from the committee appointed to wait upon the Assembly and inform that body that the Senate had elected Hon. Wm. H. Robertson President *pro tempore*, reported that the committee had performed that duty.

On motion of Mr. Cole, the Senate adjourned.

## THURSDAY, JANUARY 6, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain

The journal of yesterday was read and approved.

The President presented a communication from the Regents of the University relating to the Centennial Anniversary of the Battle of Saratoga; which was laid upon the table and ordered printed.

(See Doc. No. 9.)

Mr. Prince presented the Third Annual Report of the State Commissioner in Lunacy for the year 1875; which was laid upon the table and ordered printed.

(See Doc. No. 10.)

Mr. Lamont presented a petition of the board of supervisors of Chango county to obtain a reduction of the salary of the members of the Legislature; which was read and referred to the committee on the judiciary, when appointed.

Mr. St. John presented a petition of John A. Gray and others, Commissioners of the State Homœopathic Medical Society, for the passage of an act regulating the appointment of trustees; which was read and referred to the committee on public health, when appointed.

The Clerk announced the following appointments:

*Assistant Clerk* — Charles R. Dayton.

*Journal Clerk* — William W. Pierson.

*Deputy Clerks* — William H. Stevens, Robert H. Hunter, Lewis H. Clark, and William H. Bogart.

*Librarian* — William M. Ireland.

*Assistant Librarian* — E. Payson Fancher.

*Superintendent of Documents* — Sanders Wilson.

*Clerk's and Bank Messenger* — H. L. Glidden.

*Sergeant-at-Arms' Messenger* — Henry C. Shipman.

*Librarian's Messenger* — Thomas Howe.

The Assembly sent for concurrence a resolution in the words following: *Resolved* (if the Senate concur), That when the Legislature adjourns on Thursday, January 6th, it be to meet on Tuesday morning, January 11th, at eleven o'clock, A. M.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to repeal part of chapter 149, Laws of 1874, being an act entitled 'An act to amend the act passed April 27

1872, entitled An act to amend chapter 654, Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act regulating the appointment of trustees of the State Homœopathic Asylum for the Insane, at Middletown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health, when appointed.

Mr. Booth offered the following :

*Resolved*, That Henry L. Griswold be and is hereby appointed assistant postmaster of the Senate in place of William A. Gedney who declines.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following :

*In the matter of the petition of James Cavanaugh, claiming the seat of John C. Jacobs in this body.*

Ordered, That the contestant file with the Clerk of the Senate, within ten days from the service of a copy hereof, an amended petition stating, at length and in detail, the grounds upon which he claims a seat in this body; and it is further ordered, that the Clerk of the Senate serve a copy of this order upon the said Cavanaugh by ordering a copy thereof directed to him at his place of residence.

Mr. Woodin moved that said order be entered at large upon the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Cole, the Senate adjourned.

## TUESDAY, JANUARY 11, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Thursday, January 6, was read and approved.

Hon. Sherman S. Rogers, Senator from the Thirty-first Senatorial district, appeared in the Senate and took and subscribed the constitutional oath of office.

Senator Robertson, President *pro tempore*, announced the following as the standing committees of the Senate for 1876 :

### *On Claims.*

Mr. Moore,

Mr. Harris,

Mr. Loomis.

### *On Finance.*

Mr. Harris,

Mr. McCarthy,

Mr. Moore,

Mr. Hammond,

Mr. Jacobs.

*On Judiciary.*

Mr. Robertson,  
Mr. Carpenter,  
Mr. Schoonmaker.

Mr. Prince,  
Mr. Bradley,

Mr. Rogers,  
Mr. Kennaday,

*On Militia.*

Mr. Wellman,

Mr. Doolittle,

Mr. Bixby.

*On Canals.*

Mr. Cole,  
Mr. Doolittle,  
Mr. Starbuck.

Mr. Rogers,  
Mr. St. John,

Mr. Sayre,  
Mr. Gerard,

*On Railroads.*

Mr. Selkreg,  
Mr. Bradley,

Mr. Wagner,  
Mr. Kennaday.

Mr. Tobey,

*On Cities.*

Mr. Woodin,  
Mr. Baaden,  
Mr. Morrissey.

Mr. Booth,  
Mr. Tobey,

Mr. Wagner,  
Mr. Jacobs.

*On Roads and Bridges.*

Mr. Sayre,

Mr. Selkreg,

Mr. Lamont.

*On Literature.*

Mr. Booth,

Mr. Prince,

Mr. Gerard.

*On State Prisons.*

Mr. Wellman,

Mr. Vedder,

Mr. Schoonmaker.

*On Banks.*

Mr. Coleman,

Mr. Wellman,

Mr. St. John.

*On Insurance.*

Mr. Tobey,

Mr. Booth,

Mr. Bradley.

*On Erection and Division of Towns and Counties.*

Mr. Emerson,

Mr. Cole,

Mr. Lamont.

*On Agriculture.*

Mr. Moore,

Mr. Prince,

Mr. St. John.

*On Commerce and Navigation.*

Mr. Rogers,  
Mr. Bixby,

Mr. Moore,  
Mr. Loomis.

Mr. Coleman,

*On Manufactures.*

Mr. Doolittle,

Mr. Baaden,

Mr. Lamont.

*On Public Health.*

Mr. Emerson,

Mr. Booth,

Mr. Bixby.

*On Privileges and Elections.*

Mr. Prince,

Mr. Carpenter,

Mr. Starbuck.

*On Engrossed Bills.*

Mr. Woodin,	Mr. Harris,	Mr. Rogers.
Mr. Gerard,	Mr. St. John.	

*On Indian Affairs.*

Mr. Vedder,	Mr. Selkreg,	Mr. Kennaday.
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*On Public Expenditures.*

Mr. Baaden,	Mr. McCarthy,	Mr. Loomis.
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*On Public Buildings.*

Mr. Coleman,	Mr. Emerson,	Mr. Hammond.
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*On Poor Laws.*

Mr. Selkreg,	Mr. Cole,	Mr. Kennaday.
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*On Retrenchment.*

Mr. Carpenter,	Mr. Emerson,	Mr. Morrissey.
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*On Charitable and Religious Societies.*

Mr. McCarthy,	Mr. Wellman,	Mr. Starbuck.
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*On Grievances.*

Mr. Coleman,	Mr. Baaden,	Mr. Jacobs
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*On Salt.*

Mr. Sayre,	Mr. Woodin,	Mr. Morrissey.
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*On Internal Affairs of Towns and Counties.*

Mr. Vedder,	Mr. Sayre,	Mr. Hammond.
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*On Printing.*

Mr. Wagner,	Mr. Doolittle,	Mr. Loomis.
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*On Villages.*

Mr. Carpenter,	Mr. Wagner,	Mr. Morrissey.
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*On Joint Library.*

Mr. Harris,	Mr. McCarthy,	Mr. Schoonmaker.
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*On Rules.*

Mr. Woodin,	Mr. Robertson,	Mr. Jacobs.
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Mr. Prince requested to be excused from serving upon the committee on privileges and elections.

Mr. Woodin moved that the question of agreeing to said request be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy presented resolutions of the board of supervisors of Onondaga county asking for a repeal of the poll-tax law, as to persons over seventy years of age; which were read and referred to the committee on roads and bridges.

Mr. Cole presented a petition of Jasper Robertson for the release of the interest of the State of New York in certain lands in Orleans county; which was read and referred to the committee on the judiciary.

Mr. Selkreg presented a memorial of the board of supervisors of Broome county relative to reducing the compensation of the members of the Legislature, and also that the provisions of chapter 805 of the Laws of 1875 be made applicable to the county treasurer of the county of Broome; which was read and referred to the committee on finance.

The President presented a Memorial of the Chamber of Commerce of the State of New York relative to the canals; which was laid upon the table and ordered printed.

*(See Doc. No. 11.)*

Also, the Report of the New Capitol Commissioners for the year 1875; which was laid upon the table and ordered printed.

*(See Doc. No. 13.)*

Mr. Cole presented the Seventh Annual Report of the Trustees of the New York State Institution for the Blind; which was laid upon the table and ordered printed.

*(See Doc. No. 14.)*

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to extend the provisions of chapter 881 of the Laws of 1875, entitled 'An act supplemental to the act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, of the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and territories,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to facilitate the making good of banking capital when reduced by impairment or otherwise," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to release lands which have escheated to the State to Catharine Will, widow of Charles Will, late of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to appoint a reporter of the decisions of the supreme court,' passed April 22, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act relating to the publication of judicial proceedings and legal notices in New York city and county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act in relation to weights and measures,' passed April 11, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Woodin offered the following :

*Resolved*, That a special committee of five be appointed to which shall be referred the subject of apportionment of members of the Legislature, under the last enumeration, with instructions to report by bill at an early day.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Prince offered the following :

*Whereas*, The Attorney-General has heretofore been authorized and requested, by resolutions of the Legislature, to institute suits in the United States courts to determine the boundary line between New York and Connecticut through Long Island sound, and also to obtain a decision as to the constitutionality of certain Connecticut oyster laws; and *whereas*, early action in these matters is of great importance to a large industrial interest in this State; therefore,

*Resolved*, That the Attorney-General be requested to communicate to the Senate, at as early a day as practicable, information as to the condition of said suits and the probability of their final conclusion.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Gerard offered the following :

*Whereas*, Recent circumstances have demonstrated the dangerous character and extraordinary explosive force of certain manufactured compounds, known in commerce as nitro-glycerine; dynamite, or however else the same may be termed; therefore,

*Resolved*, That the committee on the judiciary be instructed to review the legislation of this State and of the United States relative to the manufacture, storage, handling, lading, and transport of such substances within this State, and do take the testimony of such experts, artisans, and traders in the above substances as may be deemed desirable; and do report what further legislation may be necessary relative to such compounds for the protection of the life and property of the citizens of this



State and elsewhere; and do, in their discretion, frame and report a bill for the above purpose; and it is further

*Resolved*, That if further legislation by Congress for regulating the commerce in the above articles between the States of this country or with foreign countries be deemed desirable by said committee, for the protection of life and property as aforesaid, that said committee do report such resolution as they may deem expedient as a recommendation to the Senators and Representatives from this State in Congress for the passage by Congress of such further laws in the premises as may be deemed desirable.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873."

After some time spent therein the President resumed the chair, and Mr. Booth, from said committee, reported in favor of the passage of said named bill, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Jacobs offered the following:

*Resolved*, That the Clerk be directed to cause all bills containing amendments to existing laws to be printed so that such amendments shall appear in italics.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Prince offered the following:

*Resolved*, That committees to which amendatory bills are referred be requested, in reporting them, to make the titles conform to the following form:

"An act to amend chapter                      of the Laws of                      , entitled 'An act,' " etc.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced the following appointment:

*Mail Carrier* — William C. Stead.

On motion of Mr. Cole, the Senate adjourned.

WEDNESDAY, JANUARY 12, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. McCarthy presented a petition of the National Woman's Suffrage Association for a law authorizing women to vote for President and Vice-President of the United States; which was read and referred to the committee on the judiciary.

Mr. Tobey presented a memorial of the board of supervisors of Clinton county in relation to the compensation of public officers; which was read and referred to the committee on finance.

Mr. Coleman presented a memorial upon the same subject of the board of supervisors of Washington county; which was read and referred to the committee on finance.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act repealing the limitation upon the expenditure of the sum appropriated to continue the work upon the new capitol building, passed June 21, 1875," reported in favor of the passage of the same, with amendments, the title thereof amended so as to read "An act repealing so much of section 1 of chapter 634 of the Laws of 1875 as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol," and said bill was committed to the committee of the whole.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to be considered in the first committee of the whole.

The President presented the Fifty-first Annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents; which was laid upon the table and ordered printed.

(See Doc. No. 15.)

Also, the Report of the Commissioners for the Revision of the Statutes of the State of New York.

Mr. Robertson moved that said report be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, The transportation and business interests of the United States, and the commerce of the city and State of New York, require the prompt completion of the improvement of the navigation of the Harlem river and Spuyten Duyvil creek, from the East river through the Harlem kills to the Hudson river, pursuant to the surveys and estimates already made under the authority of the United States,

*Resolved* (if the Senate concur), That the Congress of the United States be respectfully requested to make such appropriations as are requisite for the vigorous prosecution and early completion of the improvement of the navigation of the Harlem river and Spuyten Duyvil creek from the East river through the Harlem kills to the Hudson river.

*Resolved* (if the Senate concur), That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from this State.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act in relation to county treasurers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act in relation to county treasurers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to prevent injury to animals in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to the organization of certain business corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to the commissioner of jurors in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to provide for the payment of the expenses incurred by justices of the supreme court while engaged in attendance upon courts not assigned to them," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act repealing so much of section 1 of chapter 634 of the Laws of 1875, as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol."

After some time spent therein the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baden	Hammond	McCarthy	St. John
Bixby	Harris	Moore	Sayre
Bradley	Jacobs	Morrissey	Tobey
Coleman	Kennaday	Prince,	Vedder
Doolittle	Lamont	Robertson	Wagner
Emerson	Loomis	Rogers	Woodin
Gerard			

## FOR THE NEGATIVE.

Selkreg

Starbuck

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873."

Mr. Woodin moved to reconsider the vote by which the resolution relative to the appointment of a committee of five, to which shall be referred the subject of apportionment of members of the Legislature under the last enumeration, was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to amend said resolution by striking out the word "five," and inserting in lieu thereof the word "seven."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

On motion of Mr. Cole, the Senate adjourned.

## THURSDAY, JANUARY 13, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President *pro tempore* announced the following appointments:

*Pages*—David E. Conley, George T. Conner, John Donohue, James T. Gaffeny, Aaron J. Mabee, John H. Guenther, Frank McNeil, and James Neary.

Mr. Sayre presented the Thirty-third Annual Report of the Managers of the State Lunatic Asylum, Utica; which was laid upon the table and ordered printed.

(See Doc. No. 17.)

Mr. McCarthy presented a petition of Horatio Ballard and others, of the town of Cortlandt, for a law compelling the Erie railroad to carry coal at the same price for all persons; which was read and referred to the committee on railroads.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May 2, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts relating to the village of Albion,' passed April 1,

1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York,' passed May 22, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to establish the Central New York Industrial School," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to continue suits and actions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to enable the Medical Society of the State of New York to alter the time of holding its annual meetings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to provide for the reporting of persons in the various State benevolent institutions of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act relating to fines imposed in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and other purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. McCarthy offered the following :

*Whereas*, It is important and desirable that this session of the Legislature shall be confined in its labors to such legislation only as affects the citizens of this State, and is within the scope of our legislative powers, inaugurating, improving, and perfecting wise and just laws for the government and benefit of our people; enforcing economy in all the departments of the State government, reform of all existing abuses, honesty in the discharge of all official duty, and permanent relief of the people from all unnecessary taxation; and whereas, the duration of the session of the Legislature will be materially shortened by thus confining our labors to the purposes and objects for which we were elected; therefore,

*Resolved*, That so much of the annual message of His Excellency the Governor as relates to affairs exclusively within the scope and under the control of the National Legislature be respectfully referred, by the presiding officer of the Senate, to the Speaker of the House of Representatives for presentation to Congress.

Mr. Bradley moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved to amend said resolution by inserting, after the word "*Resolved*," the words "if the Assembly concur," so as to make the same concurrent.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That said resolution be laid upon the table.

The President presented the Annual Report of the Canal Appraisers; which was laid upon the table and ordered printed.

(*See Doc. No. 16.*)

On motion of Mr. Bradley, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and legislative business resumed.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act repealing so much of section 1 of chapter 634 of the Laws of 1875 as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol."

Mr. Selkreg offered the following:

*Resolved*, That 1,500 extra copies of the Report of the Canal Appraisers be printed; 500 for the use of the Appraisers, and 1,000 for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Booth, the Senate adjourned.

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## FRIDAY, JANUARY 14, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented a communication of A. J. Brown relative to the protection of the United States Deposit Fund; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," reported in favor of the passage of the same, with amendments.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Tobey
Coleman	Lamont	Rogers	Woodin
Doolittle	Loomis	St. John	

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On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and the Clerk ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the organization of certain business corporations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the Annual Report of the State Board of Charities; which was laid upon the table and ordered printed.

(See Doc. No. 19.)

Mr. Hammond presented the Annual Report of the Trustees of Willard Asylum for the Insane; which was laid upon the table and ordered printed.

(See Doc. No. 18.)

The Clerk designated the following persons as reporters for the public press for the present session:

John H. Farrell, Associated Press; William H. McElroy, Albany Evening Journal; Charles J. Hailes, Albany Argus; William H. Bogart, New York World; George W. Bull, Buffalo Commercial Advertiser; John A. Holten, New York Times; Addison A. Keyes, Albany Express; Harry Edwards, Albany Evening Times; H. V. O'Connor, New York Telegram and Herald; Charles F. Emery, New York Express; Edward Cropsey, New Yorker Journal; Augustin Snow, Brooklyn Argus; Somerville Geal, American Press Association; Henry L. Lamb, Rochester Democrat and Chronicle; William E. Kisselburgh, Troy Times; Henry C. Main, Troy Whig; George H. Levy, Troy Press; William H. Fassett, Elmira Advertiser; Charles H. Mosher, Syracuse Journal; James B. Swain, Hudson River Chronicle; E. J. Loomis, Chenango Telegraph; D. L. Wing, Flushing Daily Journal.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' passed May 12, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,' passed April 29, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act farther to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island,'" which was read the first time, and by unanimous con

sent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend chapter 3 of the Laws of 1845, entitled 'An act to prevent persons appearing disguised and armed,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act to divide the county of Otsego in two jury districts, and to provide for holding courts in and for said county alternately in each of said districts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend chapter 3 of the Laws of 1845, entitled 'An act to prevent persons appearing disguised and armed,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill ordered considered in the first committee of the whole.

Mr. Woodin offered the following:

*Resolved*, That the following committees be and the same are hereby entitled to appoint clerks: Roads and bridges; privileges and elections; banks; commerce and navigation; canals; judiciary; cities; finance; villages; internal affairs; claims; literature and public health (joint); railroads; insurance; charitable and religious societies and state prisons (joint); manufactures, agriculture and salt (joint).

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following:

*Resolved*, That the following committees be and the same are hereby entitled to appoint messengers: Commerce and navigation; judiciary; finance; villages; canals and engrossed bills (joint); insurance and internal affairs (joint); cities; railroads; claims, agriculture and salt (joint); privileges and elections; charitable and religious societies and state prisons (joint).

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following:

*Resolved*, That Chauncey O. Abbott be appointed clerk of the committee on the affairs of cities, and William H. Sweeting messenger to the same; said appointments to continue until the close of the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Doolittle offered the following:

*Resolved*, That when the Senate adjourns to-day it adjourn to meet on Monday, January 17th, at half-past seven o'clock, p. m.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following:

*Resolved*, That Cornelius Kene be appointed clerk, and Isaac Westervelt messenger, of the judiciary committee.



The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson, on behalf of Mr. Moore, offered the following :

*Resolved*, That John F. Austin be appointed clerk of the committee on claims, and that Cyrus W. Hewitt be appointed messenger to the committee on claims, agriculture and salt (jointly).

Mr. Robertson moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder offered the following :

*Resolved*, That Lafayette G. Sweet be and he hereby is appointed clerk of the committee on internal affairs of towns and counties ; the appointment to continue to the close of the session in 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Sayre offered the following :

*Resolved*, That George M. Lowery be and he is hereby appointed clerk to the committee on roads and bridges for the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Selkreg offered the following :

*Resolved*, That John Banker be appointed clerk, and Charles W. Pool messenger, to the committee on railroads for the sessions of 1876 and 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Tobey offered the following :

*Resolved*, That Orlando Kellogg be appointed clerk of the committee on insurance until the close of the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Coleman offered the following :

*Resolved*, That Alfred H. Comstock be and he is hereby appointed clerk to the committee on banks for the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson moved that the bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," be recommitted to the committee on the affairs of cities, retaining its place in the order of the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rogers offered the following :

*Resolved* (if the Assembly concur), That there be printed 1,500 extra copies of the Ninth Annual Report of the State Board of Charities (1,000 copies in paper covers and 500 copies bound in muslin), for the use of the board.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Basdan	Emerson	McCarthy	Sayre
Booth	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Tobey
Coleman	Lamont	Rogers	Vedder
Doolittle	Loomis	St. John	Woodin

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*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows :

“An act to amend chapter 3 of the Laws of 1845, entitled ‘An act to prevent persons appearing disguised and armed.’”

After some time spent therein the President resumed the chair, and Mr. Tobey, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Selkreg moved that said bill be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Doolittle, the Senate adjourned.

## MONDAY, JANUARY 17, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, January 14, was read and approved.

Mr. Woodin presented a resolution of the board of supervisors of — relative to reducing the salary of Member of Assembly to \$1,000; which was read and referred to the committee on finance.

Mr. Booth, from the committee on literature, to which was referred the bill entitled “An act to repeal chapter 353 of the Laws of 1875, entitled ‘An act to amend chapter 324 of the Laws of 1871, entitled ‘An act to incorporate the Sisterhood of Grey Nuns in the State of New York,’” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled “An act to amend an act entitled ‘An act for establishing a justice’s court in the city of Troy,’ passed May 5, 1834, and the several acts amendatory thereto; also, to amend an act entitled ‘An act to regulate the police of the city of Troy,’ passed April 10, 1849, and the several acts amendatory thereof; also, to amend other acts relating to the city of Troy,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled “An act to amend ‘An act to establish and maintain

a police force in the city of Troy,' passed April 29, 1870; chapter 520, and to increase the powers and duties of the police commissioners of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to relieve married women from disabilities in transacting business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 351 of the Laws of 1874, entitled 'An act to equalize the State tax among the several counties in this State,' and to amend chapter 327 of the Laws of 1873 amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President presented the Report of the Managers of the New York State Inebriate Asylum; which was laid upon the table and ordered printed.

(See Doc. No. 20.)

Mr. Selkreg presented an amended memorial of James Cavanagh claiming the seat of Hon. John C. Jacobs, Senator from the Third Senatorial district, made in compliance with a resolution of the Senate; which was read and referred to the committee on privileges and elections.

Mr. Carpenter offered the following:

*Resolved*, That Philip H. Knickerbocker be appointed clerk of the committee on villages; said appointment to continue until the end of the session of 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Emerson, the Senate adjourned.

TUESDAY, JANUARY 18, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Schoonmaker presented a petition for the repeal of the act of 1875 amending the act to incorporate the Sisterhood of Grey Nuns in the State of New York; which was read and referred to the committee of the whole.

Mr. Bradley presented a petition of Joseph, Matthew and John Mackey for relief; which was read and referred to the committee on the judiciary.

Mr. Starbuck presented a petition of citizens of Cape Vincent for the repeal of the law exempting clergymen, church property, and private schools from taxation; which was read and referred to the committee on finance.

Mr. Gerard presented a petition of the night scavengers of the city of New York for an amendment to chapter 251 of the Laws of 1873; which was read and referred to the committee on the affairs of cities.

The President announced the following special committee on the apportionment of members of the Legislature:

Messrs. Woodin, Rogers, Harris, Booth, Moore, Jacobs, and Gerard.

Mr. Gerard presented the Annual Report of the Trustees of the Lenox Library; which was laid upon the table and ordered printed.

(See Doc. No. 21.)

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act for the relief of George M. Thompson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act relative to evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act in relation to posting notices and papers in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cole offered the following:

*Resolved*, That A. Judson Shelley be appointed clerk of the committee on canals, and Franklin Andes messenger of the same; their appointments to continue during the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Rogers offered the following:

*Resolved*, That George W. Bull be appointed clerk, and John C. Grimm be appointed messenger of the committee on commerce and navigation; said appointments to continue for the present year only.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris offered the following:

*Resolved*, That Andrew S. Draper be appointed clerk, and Henry A. Allen messenger of the committee on finance during the session of the Legislature for 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard offered the following :

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of the State be amended by adding thereto the following section :

"SECTION 29. On the first day of January, 1879, the court of common pleas for the city and county of New York, and the superior court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of, the supreme court; and any judicial power as a county judge, and any other special authority and jurisdiction now vested in either of the courts hereby abolished, or in any or either of the judges thereof shall vest in the justices of the supreme court for the first department, to be exercised in such manner and under such limitations as the Legislature may prescribe; or, so long as the Legislature shall not have acted, then in such manner and under such limitations and regulations as the general term for such first department shall from time to time prescribe; and thereupon the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions, and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the supreme court for the first department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the supreme court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of this State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York. The general term of the first department shall hereafter consist of five justices, of whom three may constitute a quorum, all of whom shall be designated in the manner in which general term justices are now, or shall hereafter be, authorized by law to be designated."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that, in conformity to section first of article thirteenth of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be laid upon the table.

Mr. McCarthy called from the table the resolution in the words following :

*Whereas*, It is important and desirable that this session of the Legislature shall be confined in its labors to such legislation only as affects the citizens of this State, and is within the scope of our legislative powers inaugurating, improving, and perfecting wise and just laws for the government and benefit of our people; enforcing economy in all the depart-

ments of the State government, reform of all existing abuses, honesty in the discharge of all official duty, and permanent relief of the people from all unnecessary taxation; and whereas, the duration of the session of the Legislature will be materially shortened by thus confining our labors to the purposes and objects for which we were elected; therefore,

*Resolved* (if the Assembly concur), That so much of the annual message of His Excellency the Governor as relates to affairs exclusively within the scope and under the control of the National Legislature be respectfully referred, by the presiding officer of the Senate, to the Speaker of the House of Representatives for presentation to Congress.

Mr. McCarthy moved to amend the resolution so as to read as follows:

*Whereas*, It is important and desirable that this session of the Legislature shall be confined in its labors to such legislation only as effects the citizens of this State, and is within the scope of our legislative powers, inaugurating, improving, and perfecting wise and just laws for the government and benefit of our people; enforcing economy in all the departments of the State government, reform of all existing abuses, honesty in the discharge of all official duty, and permanent relief of the people from all unnecessary taxation; and whereas, the duration of the session of the Legislature will be materially shortened by thus confining our labors to the purposes and objects for which we were elected; therefore,

*Resolved* (if the Assembly concur), That we view, with astonishment and regret, the insignificant space allotted by the Governor, in his annual message, to the subject of reform, his absolute failure to suggest or recommend measures for the correction of abuses in the administration of the affairs of the State government, while he devotes so large a part of the same to the consideration of national topics, over which the Legislature has no control or jurisdiction.

Mr. Jacobs moved to lay the resolution upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to take from the table the said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that said resolution and the Governor's annual message be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message was received from His Excellency the Governor, and read in the words following:

STATE OF NEW YORK, EXECUTIVE CHAMBER, }  
ALBANY, January 18, 1876. }

*To the Senate:*

In answer to the resolution of the Senate requesting the Governor "at the earliest possible day, consistent with the public service, to communicate to the legislature the results of the investigations thus far obtained by the commission, with the testimony thereto pertaining, and the titles and objects of the actions now pending, with the progress thereon made, and the names of the officials charged with complicity or connivance as aforesaid, in order that the legislature may, in view of the information thus furnished, determine what appropriation, if any, or other measures of legislation may be necessary." I have the honor respectfully to state:

1. That the concurrent resolution authorizing the Governor to appoint a commission to investigate canal affairs, passed in 1875, requires the said commission to report the testimony they shall take, together with such recommendations, in respect to the same as they shall deem warranted by the facts to the Governor and to the Legislature at the opening of the next session.

The commission have made a series of reports to the Governor, 12 in number, on special cases and, I understand, are preparing with all diligence a general report to the Legislature in compliance with the concurrent resolution, which will embrace "all the results thus far obtained by the commission."

2. The several reports of the commission to the Governor have been, from time to time, transmitted to the office of the Attorney-General for his consideration as to what legal remedies in behalf of the State should be instituted. The conduct of such actions is devolved by law upon the Attorney-General. The present incumbent, as the Senate is doubtless aware, from the day of his taking office was engaged at the Oyer and Terminer of Erie county in the trial of one of the cases arising out of a report of the commission until a week after the adoption of your resolution. For particular information on the subject of this part of your inquiry, I respectfully refer you to that officer.

In the passage of my annual message referred to by your resolution, I expressed the opinion that the object of primary and transcendent importance in the measures connected with the administration of canals is "to reform the system and to establish every possible security against the recurrence of the evils."

This object is to be attained by an exposure of the wrongs, by appropriate measures of legislation to prevent and punish similar wrongs hereafter, by the enforcement of existing laws imposing penalties upon the wrong-doers, and, as far as possible, by compelling restitution. Even in the narrow sense of pecuniary advantage to the people, infinitely more is accomplished by breaking up the system than can be hoped to be recovered in civil action. If adequate proofs could always be had, complete restitution cannot always be effected; still less full damages for wastes committed to enable the illicit profits to be gained which are often much larger than those profits. The expenditures in jobs connected with the canals have averaged from two to three millions of dollars annually. Nearly the whole of this amount can be saved to the treasury or left in the pockets of the tax payers without detriment to any public interest. For the present fiscal year that saving has been accomplished irrespective of any litigations in the courts. There is no reason why the same saving should not be effected hereafter.

The indictment, trial and conviction of persons who have committed criminal offenses under existing laws have, for their object, the general purpose of remedial justice by deterring, in the future, from the commission of similar offenses. Civil actions by the State, while they have an incidental effect of the same nature, have the

further and their main object of compelling restitution of the public money unlawfully taken.

Indictments, since the law of 1873, can be found at any time within five years of the time of the commission of the offense. Civil actions by the State, for the recovery of money in such cases, can, under the laws of 1875, be brought at any time within ten years after the cause of action occurred.

The investigations of the commission, faithful and laborious as they have been, leave unexplored far more than has been brought to light.

Official bodies like the canal board and the commissioners of the canal fund, ought to be clothed, as permanent standing authorities, with full powers of investigation, in their respective spheres, as to all wrongs done in respect to public moneys or property. The Comptroller, as the general fiscal representative of the State, and perhaps other public officers ought to be vested with similar powers.

It is quite manifest that it would overtask the powers of any one man to conduct the criminal and civil actions that have been and ought to be instituted for these objects. Vast sums stolen from the treasury will be, as in similar cases they have been, employed in securing extraordinary service in legal ability, in professional experts and in indefatigable activity to defend, by every technical artifice, the unjust possession. There is no force of detectives connected with the office of the Attorney-General; neither are the district attorneys his subordinates.

The Attorney-General of the United States, on the other hand, has all of the district attorneys and all of the marshals and deputy-marshals, besides a large number of skilled experts, perfectly at his command; and Congress every year makes a sufficient appropriation to meet whatever expenses may be necessary in the preparation of suits for trial.

The actions growing out of canal frauds involve the examination of complicated facts relating to construction, and the quality and utility and value of the work; and they cannot be properly prepared or tried without the assistance of experts.

It has been usual to make a small annual appropriation to enable the Attorney-General to employ counsel to assist him in the discharge of his official duties. The suggestion in my annual message, that the ordinary appropriation would be insufficient, but that a "special" appropriation would be necessary to enable him to enforce the rights of the State and to meet the just expectations of the people, had reference to the expenses necessary for preparing these suits for trial, and for conducting these trials.

SAMUEL J. TILDEN.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act in relation to the organization of certain business corporations."



After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The President *pro tempore* announced the following appointments:  
*Assistant Doorkeepers* — Stephen A. Carr, Albany; Frank Chase, Erie; Charles A. Chadsey, Columbia; William Seaman, Tompkins.

On motion of Mr. Woodin, the Senate adjourned.

## WEDNESDAY, JANUARY 12, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Moore presented a petition of citizens of Potsdam, St. Lawrence county, asking for the repeal of the laws exempting church property from taxation; which was read and referred to the committee on finance.

Also, a petition of residents of St. Lawrence asking for an amendment to chapter 135 of the Laws of 1875 relative to the drainage of overflowed and wet lands adjoining Black lake; which was read and referred to the committee on finance.

Also, a petition of the board of supervisors of St. Lawrence county for a concurrent resolution reducing the salary of members of the Legislature; which was read and referred to the committee on finance.

Mr. Robertson presented a petition of the pilots of Hell Gate for an amendment to the pilot law; which was read and referred to the committee on commerce and navigation.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release lands which have escheated to the State to Catherine Will, widow of Charles Will, late of the city of Albany, N. Y.," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to posting notices and papers in the county of Erie," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to appoint a reporter of the decisions of the supreme court,' passed April 22, 1875," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 692 of the Laws of 1866, entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts relating to the village of Albion,' passed April 1, 1842," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the resolution relative to printing 1,500 extra copies of the Report of the Canal Appraisers, reported in favor of the adoption of the following resolution :

*Resolved*, That 1,500 extra copies of the Report of the Canal Appraisers be printed ; 500 for the use of the Appraisers, and 1,000 for the use of the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baden	Emerson	Morrissey	Schoonmaker,
Booth	Gerard	Prince,	Selkreg
Bradley	Hammond	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Tobey
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore		

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The President presented the resolutions of the common council of the city of New York relative to certain amendments to the registry law ; which were read and referred to the committee on the affairs of cities.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 329 of the Laws of 1859, entitled 'An act to incorporate the fire department of the city of Syracuse,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. McCarthy moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

"An act in relation to the Central New York Institution for Deaf Mutes at Rome," which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on finance.

The Assembly returned the bill entitled "An act repealing so much of section 1 of chapter 634 of the Laws of 1875, as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol," with a message that they had passed the same, with the following amendments :

Strike out the words "approve of," in line 2, section 2, and insert in lieu thereof the words "determine upon and adopt."

Insert, after the word "story," in line 5 of section 2, the words "and to report their determination to the Legislature."

Strike out all of section 2, after the word "act," in line 6 thereof.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg
Bixby	Harris	Morrissey	Starbuck
Booth	Jacobs	Prince	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin
Gerard			

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to provide for the removal of obstructions from Chautauqua lake, and dredging the outlet thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 117 of the Laws of 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act in relation to the organization of certain business corporations."

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act to amend chapter 135 of the Laws of 1875 entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of

the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act in relation to the opening, widening, and extending of streets, avenues, and public places in the city of New York,' passed May 20, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York by laying out thereon a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act in relation to the officers, clerks, and attaches of the marine court in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to clerks, deputy clerks, and assistant clerks of the several courts of record and surrogates' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act in relation to the organization of certain business corporations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bradley	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Wellman offered the following :

*Resolved*, That Hiram H. Wakely be appointed clerk, and Robert M. Richardson, Jr., be appointed messenger of the committees on State prisons and charitable and religious societies, jointly, for the senatorial term of 1876 and 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Tobey offered the following :

*Resolved*, That Theodore Hotchkiss be and he is hereby appointed messenger of the committees on insurance and internal affairs for the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bradley offered the following :

*Resolved* (if the Assembly concur), That 3,000 copies of the Governor's Annual Message be printed for the use of the executive department, and 2,000 copies for the use of the Legislature.

*Ordered*, That said resolution be laid upon the table.

Mr. Woodin moved to take from the table the question of agreeing to the request of Mr. Prince to be excused from serving upon the committee on privileges and elections.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would grant said request of Mr. Prince, and it was decided in the affirmative.

Mr. McCarthy asked to be excused from further service upon the committee on charitable and religious societies.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

The President, on behalf of the President *pro tempore*, announced the following :

Chairman of the committee on privileges and elections, Mr. McCarthy.

Chairman of the committee on charitable and religious societies, Mr. Prince.

Mr. Prince asked to be excused from serving upon the committee on charitable and religious societies.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Bradley moved to reconsider the vote by which the resolution appointing a clerk and messenger to the committees on charitable and religious societies and State prisons, jointly, was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. McCarthy offered the following :

*Resolved*, That Adam C. Morey be and he is hereby appointed clerk of the committee on privileges and elections in the Senate for the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Tobey
Booth	Harris	Morrissey	Wagner
Carpenter	Kennaday	Robertson	Wellman
Cole	Lamont	Sayre	Woodin
Coleman	McCarthy	Selkreg	

19

#### FOR THE NEGATIVE.

Bixby	Gerard	Prince	Schoonmaker
Bradley	Hammond	St. John	Starbuck
Emerson	Loomis		

10

When the name of Mr. Emerson was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Kennaday moved to reconsider the vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would grant said request of Mr. Emerson, and it was decided in the negative.

Mr. Emerson subsequently voted in the negative.

Mr. Gerard called from the table the resolutions in the words following :

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of the State be amended by adding thereto the following section :

“SECTION 29. On the first day of January, 1879, the court of common pleas for the city and county of New York, and the superior court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of, the supreme court; and any judicial power as a county judge, and any other special authority and jurisdiction now vested in either of the courts hereby abolished, or in any or either of the judges thereof shall vest in the justices of the supreme court for the first department, to be exercised in such manner and under such limitations as the Legislature may prescribe; or, so long as the Legislature shall not have acted, then in such manner and under such limitations and regulations as the general term for such first department shall from time to time prescribe; and thereupon the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions, and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the supreme court for the first department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the supreme court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of this State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York. The general term of the first department shall hereafter consist of five justices, of whom three may constitute a quorum, all of whom shall be designated in the manner in which general term justices are now, or shall hereafter be, authorized by law to be designated.”

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that, in conformity to section first of article thirteenth of the Constitution, it be published for three months previous to the time of such election.

Mr. Gerard moved that said resolutions be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard offered the following :

Concurrent resolution proposing an amendment to section 3 of article 5 of the Constitution.

*Whereas*, At the annual session of the Legislature of the State of New York, held for the year 1875, the following amendment to the Constitution of the State of New York was agreed to by the Senate and Assembly, viz:

*Resolved* (if the Assembly concur), That section 3 of article 5 of the Constitution be amended so as to read as follows:

"§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him.

"The office of Canal Commissioner is abolished, from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature.

"The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate."

*And whereas*, Said proposed amendment was agreed to by a majority of all the members elected to each of the two Houses of the said Legislature, entered in their journals, with the yeas and nays taken thereon,

and referred to the Legislature to be chosen at the then next election of Senators ;

*And whereas*, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution ; therefore,

*Resolved* (if the Assembly concur), That the two Houses composing the present Legislature do agree to the proposed amendment.

*Ordered*, That said resolution be laid upon the table.

The hour of twelve o'clock, M., having arrived, the President announced the executive session.

Mr. Cole moved that the executive session be postponed indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson presented the Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents for 1875 ; which was laid upon the table and ordered printed.

(See Doc. No. 23.)

Mr. Bradley moved to take from the table the resolution in the words following :

*Resolved*, That John F. Austin be appointed clerk of the committee on claims, and that Cyrus W. Hewitt be appointed messenger to the committee on claims, agriculture, and salt, jointly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

After debate,

Mr. Moore moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson offered the following :

*Resolved*, That 2,000 copies of the Twenty-seventh Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents be printed for the use of said Managers.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows :

"An act to amend chapter 3 of the Laws of 1845, entitled 'An act to prevent persons appearing disguised and armed.'"

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Jacobs, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :



## FOR THE AFFIRMATIVE.

Baadan	Hammond	McCarthy	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Booth	Jacobs	Prince	Tobey
Bradley	Kennaday	Robertson	Wagner
Carpenter	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Gerard			

25

## FOR THE NEGATIVE.

Moore	Selkreg	Starbuck	3
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Mr. Bradley moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Kennaday	Moore	Starbuck
Carpenter	Lamont	Rogers	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Hammond			

13

## FOR THE NEGATIVE.

Baaden	Gerard	Morrissey	Sayre
Bixby	Harris	Prince	Schoonmaker
Booth	Jacobs	Robertson	Tobey
Coleman	Loomis	St. John	Wagner

16

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Sayre, the Senate adjourned.

## THURSDAY, JANUARY 20, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Rogers presented a petition of citizens of Tonawanda, Erie county, to repeal the law exempting clergymen from taxation ; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' " reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act in relation to the Central New York Institution for Deaf Mutes, at Rome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 329 of the Laws of 1859, entitled 'An act to incorporate the fire department of the city of Syracuse,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they have concurred in the passage of the same:

"An act to extend the time for the collection of taxes in the city of Elmira."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 3 of the Laws of 1845, entitled 'An act to prevent persons appearing disguised and armed.'"

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled as follows:

"An act repealing so much of section 1 of chapter 634 of the Laws of 1875, as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend An act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865 amendatory of chapter 577 of the Laws of 1864,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to authorize the city of Schenectady to borrow money for current expenses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act releasing all the right, title, and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to provide for ascertaining and determining the claim of John Hay and others, claiming as heirs of John G. Leake to certain lands and avails accruing from the sale and disposition of portions thereof upon the presumption of their having escheated to the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act changing the name of the Utica and Black River Railroad Company, and converting its powers and franchises upon the company under the new title," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddard, and Harrison Bull, justices of the peace, of the town of Wallkill, Orange county, and to enable them to file their official bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act for the relief of John Swinburne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act providing for the appointment of additional notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize surrogates to appoint receivers of real estate in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating its present indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince offered the following:

*Resolved*, That the committee on rules be requested to consider the subject of the committee list, in rule 17, to ascertain whether any changes can be made therein advantageously to the State, and the transaction of the business of the Senate; especially with reference to the effect of the constitutional amendments in rendering certain committees unnecessary, and elevating new subjects to importance in legislation. Said committee to report at any time.

Mr. Bradley moved to amend the resolution by striking out the words "at any time," and inserting the words "within ten days."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Carpenter  
Emerson

Gerard  
Hammond  
Jacobs  
Kennaday

Lamont  
McCarthy  
Morrissey  
Prince

Rogers  
St. John  
Schoonmaker  
Starbuck

16

## FOR THE NEGATIVE.

Baden	Doolittle	Robertson	Vedder
Booth	Harris	Sayre	Wagner
Cole	Moore	Selkreg	Woodin
Coleman			

13

Mr. Gerard called from the table the concurrent resolution proposing an amendment to section 3 of article 5 of the Constitution providing for the appointment of a Superintendent of Public Works.

Mr. Gerard moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows :

"An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to release lands which have escheated to the State to Catharine Will, widow of Charles Will, late of the city of Albany, New York."

"An act in relation to posting notices and papers in the county of Erie."

"An act to repeal chapter 353 of the Laws of 1875, entitled 'An act to amend chapter 324 of the Laws of 1871, entitled An act to incorporate the Sisterhood of Grey Nuns in the State of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the city of Schenectady to borrow money for current expenses," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, said bill was ordered considered in the first committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act repealing so much of section 1 of chapter 634 of the Laws of 1875, as fixes a limitation upon the expenditure of the appropriation for work upon the new capitol."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act authorizing the city of Schenectady to borrow money for current expenses."

Assembly, "An act to amend chapter 329 of the Laws of 1859, entitled 'An act to incorporate the fire department of the city of Syracuse.'"

"An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey."

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and the first named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Harris	Moore	Sayre
Carpenter	Jacobs	Morrissey	Schoonmaker
Cole	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Vedder
Emerson	McCarthy	St. John	Wagner
Gerard			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Jacobs, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the second named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Booth	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Cole	Kennaday	Robertson	Starbuck
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Woodin
Emerson	McCarthy		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Jacobs, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince moved that the bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories,'" be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion.'"

After some time spent therein, the President resumed the chair, and Mr. Booth, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Cole, the Senate adjourned.

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## FRIDAY, JANUARY 21, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act for establishing a justice's court in the city of Troy,' passed May 5, 1834, and the several acts amendatory thereto; also, to amend an act entitled 'An act to regulate the police of the city of Troy,' passed April 10, 1849, and the several acts amendatory thereof; also, to amend other acts relating to the city of Troy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prevent injury to animals in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion.'"

"An act in relation to posting notices and papers in the county of Erie."

"An act to release lands which have escheated to the State to Catharine Will, widow of Charles Will, late of the city of Albany, New York."

"An act to authorize the city of Schenectady to borrow money for current expenses."

"An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which Wm. Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddart, and Harrison Bull, justices of the peace of the town of Walkill, Orange county, and to enable them to file their official bonds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. St. John moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 3 of the Laws of 1845, entitled 'An act to prevent persons appearing disguised and armed,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of George M. Thompson," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print 2,000 copies of the Twenty-seventh Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents, reported in favor of the adoption of the following resolution:

*Resolved*, That 2,000 extra copies of the Twenty-seventh Annual Report of the Managers of the Western House of Refuge for Juvenile Delinquents be printed for the use of said Managers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Morrissey	Selkreg
Bradley	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Tobey
Emerson	McCarthy	Sayre	Wagner
Gerard	Moore	Schoonmaker	Woodin
Jacobs			

21

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act regulating the appointment of trustees of the State Homœopathic Asylum for the Insane, at Middletown," reported in favor of the passage of the same, and said bill was committed to the committee of the whole:

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to enable the Medical Society of the State of New York to alter the time of holding its annual meetings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the concurrent resolution to print 1,500 copies of the Annual Report of the State Board of Charities, with a message that they had concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That 5,000 copies of the Comptroller's Report be printed; 2,500 in English and 1,000 in German for the Legislature, and 1,500 copies for the use of the Comptroller, provided the same be done at a cost not exceeding the rates of the last contract.

*Ordered*, That said resolution be laid upon the table.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to prevent the abuse of corporate franchises and special privileges conferred by law through their use for corrupt and partisan purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals, and documents of the Legislature,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to provide for the sale and exchange of the stock or bonds of any railroad corporation for the bonds of any municipal corporation; and also authorizing the issuing of the bonds of such municipal corporation less in amount than had been before agreed or authorized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,' passed May 11, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act for the better protection of human life on railways, steam vessels and shipping, and in the cities of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act in relation to the collection of certain unpaid county taxes in the county of Monroe," which was read the first time,



and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to the court of general sessions of the peace in and for the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to release lands which have escheated to the State to Catharine Will, widow of Charles Will, late of the city of Albany, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Emerson	McCarthy	Schoonmaker
Booth	Gerard	Moore	Selkreg
Bradley	Jacobs	Morrissey	Starbuck
Carpenter	Kennaday	Prince	Tobey
Cole	Lamont	Robertson	Wagner
Doolittle	Loomis	Sayre	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to posting notices and papers in the county of Erie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Gerard	Moore	Sayre
Booth	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Tobey
Cole	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin
			24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Gerard	Moore	Sayre
Booth	Jacobs	Morrissey	Schoonmaker
Bradley	Kennaday	Prince,	Selkreg
Carpenter	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Tobey
Doolittle	McCarthy	St. John	Wagner
			24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Booth	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Tobey
Cole	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin
			24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson offered the following :

*Resolved*, That the Clerk of the Senate be and he is hereby authorized to purchase seven copies of Banks' edition of the Code of Procedure, and one copy of the revised edition of Abbott's New York Digest, to be placed and kept in the Senate library for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Gerard	Morrissey	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Tobey
Cole	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	
			23

Mr. Doolittle offered the following :

*Resolved*, That when the Senate adjourn to-day it be until Monday evening next, January 24th, at half-past seven o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin, from the committee on rules, to which was referred the resolution relative to revising rule 17 of the Senate, reports that the committee have had the same under consideration, and directed their chairman to report to the Senate as follows :

*To the Senate :*

The undersigned, the committee on rules, to which was referred the subject-matters contained in the foregoing resolution, respectfully report, that we have had the same under advisement, and conclude that no change in the list of standing committees of the Senate is required ; that

the amendments to the Constitution, recently adopted, do not render obsolete any of the present standing committees, nor do they render the raising of any new or additional standing committee.

All which is respectfully submitted.

WM. B. WOODIN,  
JNO. C. JACOBS,  
W. H. ROBERTSON,  
*Committee.*

Mr. Woodin moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddard, and Harrison Bull, justices of the peace of the town of Wallkill, Orange county, and to enable them to file their official bonds."

"An act to amend chapter 287 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes.' "

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows :

"An act in relation to the Central New York Institution for Deaf Mutes, at Rome."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of said named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Rogers, the Senate adjourned.

MONDAY, JANUARY 24, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, January 21, was read and approved.

The Assembly sent for concurrence the bills entitled as follows :

"An act to repeal chapter 353 of the Laws of 1875, entitled 'An act to amend chapter 324 of the Laws of 1871, entitled An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee of the whole

"An act to authorize the mayor of the city, and the supervisor of the town, of Binghamton, to sell and convey the real estate of said city and town situate in said city for bridge or highway purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York, and the commissioners of charities of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize and confirm the official acts of the supervisor, town clerk, and justices of the peace of the town of Madrid, in the county of St. Lawrence, during the year 1872, in issuing the bonds of said town to the amount of seven hundred and fifty dollars, for the purpose of completing the town hall in said town, and to legalize the vote of the electors of said town, at their annual town meeting in 1872, authorizing the issuing of said bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That 1,500 copies of the Ninth Annual Report of the New York Institution for the Improved Instruction of Deaf-mutes be printed for the use of the institution, provided the same be done at the contract rate of last year.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved* (if the Senate concur), That there be printed of the Annual Message of the Governor 5,000 extra copies in English, and 2,000 copies in German for the use of the Legislature, provided the same be done at the rate not exceeding the contract price of last year.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved* (if the Senate concur), That 1,000 copies of the Twenty-second Annual Report of the Superintendent of Public Instruction be printed and bound in cloth for distribution by that officer ; one copy, also, for each school district and school commissioner in the State, and 500 copies, bound in cloth, for the use of the Legislature, provided the same be done at a cost not to exceed the contract rates of last year.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved*, That 2,000 extra copies of the Fifty-seventh Annual Report of the New York Institution for the Instruction of Deaf and Dumb be printed for the use of the institution, provided the same be done at a rate not exceeding the contract price of last year.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved* (if the Senate concur), That 1,000 extra copies of the Adjutant-General's Report be printed and bound for the use of said depart-

ment, provided the same be done at a cost not to exceed the contract rates of last year.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved* (if the Senate concur), That 250 copies of the Governor's Pardon Report be printed for the use of the executive chamber.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real and personal estate, in the city of Albany, to Mrs. Mary Eliza Castle of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Headquarters," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise and consolidate the several acts relating to public instruction,' passed May 2, 1864, as amended by an act passed April 16, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to grant the easement to a portion of the disused original channel of the Erie canal, of which the State has not yet abandoned its legal title, for the right of way to construct a ditch to benefit the public health, in the county of Wayne, under the provisions of chapter 888 of the Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Carpenter offered the following :

*Resolved*, That Whitfield Irish be and he hereby is appointed messenger to the standing committee on villages until the end of the session of 1876.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to enable the Medical Society of the State of New York to alter the time of holding its annual meeting."

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg called from the table the resolutions in the words following :

*Resolved* (if the Assembly concur), That 3,000 copies of the Governor's Annual Message be printed for the use of the executive department, and 2,000 copies for the use of the Legislature.

*Resolved* (if the Senate concur), That 5,000 copies of the Comptroller's Report be printed; 2,500 in English and 1,000 in German for the Legislature, and 1,500 copies for the use of the Comptroller, provided the same be done at a cost not exceeding the rates of the last contract.

Mr. Selkreg moved that said resolutions be referred to the committee on public printing.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Booth, the Senate adjourned.

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## TUESDAY, JANUARY 25, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Selkreg presented three petitions of citizens of Seneca, Tompkins and Cayuga counties for a modification of the game laws; which were read and referred to the committee on internal affairs.

Also, a petition of citizens of Maine, Broome county, in favor of the repeal of the law exempting church property from taxation; which was read and referred to the committee on finance.

Mr. Cole presented a petition of citizens of the village of Albion for the construction of a road bridge over the Erie canal in the village of Albion, Orleans county; which was read and referred to the committee on canals.

Mr. Tobey presented a petition of the board of supervisors of Warren county relative to the compensation of public officers; which was read and referred to the committee on finance.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddard, and Harrison Bull, justices of the peace of the town of Walkkill, Orange county, and to enable them to file their official bonds."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler."

"An act to amend chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes.'"

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876."

"An act to enable the Medical Society of the State of New York to alter the time of holding its annual meeting."

The President presented the Report of the New York Infant Asylum for the year ending December 31, 1875 ; which was laid upon the table and ordered printed.

(*See Doc. No. 26.*)

Also, the Annual Report of the Board of Managers of the Buffalo State Asylum for the Insane ; which was laid upon the table and ordered printed.

(*See Doc. No. 27.*)

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Erie canal in the village of Albion, in the county of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to divide the State into judicial districts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hammond moved that said bill be printed pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to provide a sinking fund to limit and reduce the indebtedness of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings, and proceedings of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to facilitate the removal of clouds upon and apparent liens upon title to real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act in relation to petit jurors and verdicts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act regulating the forfeiture of life insurance policies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Starbuck moved that said bill be printed pending its consideration by the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend

and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Emerson moved that said bill be printed pending its consideration by the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Bradley	Kennaday	Rogers	Tobey
Carpenter	Lamont	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Coleman			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddard, and Harrison Bull, justices of the peace, of the town of Wallkill, Orange county, and to enable them to file their official bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Hammond	Prince	Selkreg
Booth	Kennaday	Robertson	Starbuck
Bradley	Lamont	Rogers	Tobey
Carpenter	Loomis	St. John	Vedder
Cole	McCarthy	Sayre	Wagner
Coleman			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Schoonmaker
Bradley	Hammond	Prince	Selkreg
Carpenter	Kennaday	Robertson	Starbuck
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Emerson	McCarthy	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the Medical Society of the State of New York to alter the time of holding its annual meeting," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Schoonmaker
Booth	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Tobey
Cole	Lamont	St. John	Vedder
Coleman	Loomis	Sayre	Wagner
Emerson	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	St. John	Vedder
Coleman	Loomis	Sayre	Wagner
Emerson	McCarthy	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Central New York Institution for Deaf-mutes, at Rome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Booth	Kennaday	Robertson	Starbuck
Carpenter	Lamont	Rogers	Tobey
Coleman	Loomis	St. John	Vedder
Gerard	McCarthy	Sayre	Wagner
Hammond	Morrissey	Schoonmaker	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message was received from His Excellency the Governor, and read in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, January 25, 1876.

*To the Senate :*

I have the honor to transmit herewith the Report of the Receipts and Expenditures of the Cooper Union for the Advancement of Science and Art for the year A. D. 1875.

SAMUEL J. TILDEN.

*Ordered*, That said report be laid upon the table and printed.

(See Doc. No. 25.)

The Assembly sent for concurrence the bill entitled as follows :

"An act to alter the boundaries of the towns of Hopkinton and Colton, in the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the following entitled bill, with a message that they have concurred in the passage of the same :

"An act in relation to posting notices and papers in the county of Erie."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Robertson moved that the bill entitled "An act to amend chapter 271 of the Laws of 1834, entitled 'An act for establishing a justice's court in the city of Troy, and the several acts amendatory thereto ;' also, to amend chapter 340 of the Laws of 1849, entitled 'An act to regulate the police of the city of Troy, and the several acts amendatory thereof ;' also, to amend other acts relating to the city of Troy," be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson offered the following :

*Resolved* (if the Assembly concur), That section 11 of article 8 of the Constitution be amended so as to read as follows :

"SECTION 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law.

No county or city shall be allowed to become indebted for any purpose, or in any manner, to an amount which, including existing indebtedness, shall exceed five per cent of the assessed valuation of the real estate of such county or city, subject to taxation as it appeared by the assessment rolls of said county or city on the last assessment for State and county taxes prior to the incurring of such indebtedness, and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds five per cent of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit, except such indebtedness as may be provided for by the tax levy for the then current year; except that the Legislature, if it is deemed necessary for the interest of such city or county, may authorize it to contract further indebtedness to an amount not exceeding, for any one year, one dollar *per capita* of each of its population, as ascertained by the last State census, and for a period not exceeding five years in any case. No county or city, whose present indebtedness exceeds such five per cent as aforesaid, shall be allowed to extend or renew any of such indebtedness until it is reduced within such limit. No law shall hereafter be passed authorizing any indebtedness of, or the issuing of, any bonds or evidence of debt by any county or city unless such law shall provide that such indebtedness, bonds or evidence of debt shall be made payable in equal amounts in each year during a period not in any case to exceed twenty years from the contracting of such indebtedness, and such law shall provide that such city or county shall in each year levy and raise by taxation a sum sufficient to pay the interest on such debt, and the amount thereof coming due in each year, which said provisions, as to time of payment and the taxation therefor, shall be irrevocable. The money raised for the payment of such interest and principal shall be applied for that purpose and none other, until the whole of such indebtedness is paid."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be laid upon the table.

Mr. McCarthy offered the following:

*Resolved*, That Robert M. Richardson, Jr., heretofore appointed messenger to the committees on State prisons and charitable and religious societies be transferred to the committee on privileges and elections, and Peter Haslam be and is hereby appointed as messenger to the committees on State prisons and charitable and religious societies for the sessions of 1876 and 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris offered the following:

*Resolved*, That a clerk and messenger be assigned to the committee on re-apportionment.

Mr. Bradley moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act regulating the appointment of trustees of the State Homœopathic Asylum for the Insane, at Middletown."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of said named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Booth, the Senate adjourned.

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### WEDNESDAY, JANUARY 26, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Lamont presented a petition for a law authorizing the town of Sidney, Delaware county to elect an additional justice of the peace; which was read and referred to the committee on the judiciary.

Mr. Selkreg presented a petition of ninety-two citizens of McLean, Tompkins county, in favor of the repeal of the law exempting church property from taxation; which was read and referred to the committee on finance.

Mr. Woodin presented a petition for the repeal of the "Grey Nun act;" which was read and referred to the committee of the whole.

The President announced that the President of the State Military Association had extended an invitation to the Senate to attend the annual meeting of the association this evening.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the resolution entitled "Concurrent resolution proposing an amendment to section 3 of article 5 of the constitution," reported in favor of the passage of the same, and said resolution was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the official acts of the supervisor, town clerk and justices of the peace of the town of Madrid, in the county of St. Lawrence, during the year 1872, in issuing the bonds of said town to the amount of seven hundred and fifty dollars for the purpose of completing the town hall in said town and to legalize the vote of the electors of said town, at their annual town meeting in 1872, authorizing the issuing of said bonds, reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 555 of the Laws of 1864, enti-

tled 'An act to revise and consolidate the general acts relating to public instruction,' reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the bill entitled "An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Headquarters," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the mayor of the city, and the supervisor of the town, of Binghamton, to sell and convey the real estate of said city and town situate in said city for bridge and highway purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating its present indebtedness," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York, and the commissioners of charities of the county of Kings," reported in favor of the passage of the same (Mr. Morrissey dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act regulating the appointment of trustees of the State Homoeopathic Asylum for the Insane, at Middletown."

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to further amend an act entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State Commissioners in Lunacy,' passed May 12, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter 399 of Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act incorporating the Grand Section of Cadets of Temperance of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to enable the court of general sessions of the peace of the city and county of New York to hold two parts, and to provide means therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Doolittle asked and obtained leave to introduce a bill entitled "An act to amend chapter 133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lamont asked and obtained leave to introduce a bill entitled "An act to provide for an additional justice of the peace in the town of Sidney, in the county of Delaware," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act regulating the appointment of trustees of the State Homœopathic Asylum for the Insane, at Middletown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Basden	Doolittle	Lamont	St. John
Birby	Emerson	McCarthy	Sayre
Booth	Gerard	Morrissey	Schoonmaker
Bradley	Hammond	Prince,	Selkreg
Cole	Harris	Robertson	Vedder
Coleman	Kennaday	Rogers	Wagner
			24

#### FOR THE NEGATIVE.

Starbuck

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Kennaday moved that the bill entitled "An act for the better protection of human life on railways, steam vessels and shipping, and in the cities of this State," be printed, pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin presented the report of the State Assessors for the year 1875, which was laid upon the table and ordered printed.

(See Doc. No. 28.)

Mr. Woodin offered the following:

*Resolved* (if the Assembly concur), That 5,000 extra copies of the report of the State Assessors be printed for distribution among the supervisors and assessors of the various towns and cities of the State. Said copies shall be distributed by the Secretary of State, so that each supervisor and assessor aforesaid shall receive one copy of said report.

*Resolved* (if the Assembly concur), That 2,000 extra copies be printed for the use of the Legislature, and 1,000 extra copies for the use of the State Assessors.

*Ordered*, That said resolutions be referred to the committee on public printing.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 extra copies of the Adjutant-General's Report, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That 1,000 extra copies of the Adjutant-General's Report be printed and bound for the use of said department, provided the same be done at a cost not to exceed the contract rates of last year.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Wagner
Cole	Kennaday	Sayre	Woodin
Coleman	McCarthy		

18

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 250 copies of the Governor's Pardon Report, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That 250 copies of the Governor's Pardon Report be printed for the use of the executive chamber.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 5,000 extra copies of the Governor's message in English and 2,000 copies in German, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed of the Annual Message of the Governor, 5,000 extra copies in English and 2,000 copies in German, for the use of the Legislature, provided the same be done at a rate not exceeding the contract price of last year.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Schoonmaker
Booth	Harris	Robertson	Selkreg
Bradley	Kennaday	Rogers	Starbuck
Coleman	Lamont	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin
Emerson	Morrissey		

22

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 5,000 copies of the Comptroller's report, 2,000 in English and 1,000 in German, for the use of the Legislature, and 1,500 copies for the use of the Comptroller, reported in favor of the following resolution :

*Resolved* (if the Senate concur), That 5,000 copies of the Comptroller's Report be printed, 2,500 in English and 1,000 in German, for the Legislature, and 1,500 copies for the use of the Comptroller, provided the same be done at a cost not exceeding the rates of the last contract.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Booth	Gerard	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Cole	Kennaday	Rogers	Wagner
Coleman	Lamont	St. John	Woodin
Doolittle	McCarthy	Sayre	

23

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 2,000 extra copies of the Fifty-seventh Annual Report of the New York Institution for the Instruction of Deaf and Dumb, reported in favor of the following resolution :

*Resolved* (if the Senate concur), That 1,000 extra copies of the Fifty-seventh Annual Report of the New York Institution for the Instruction of the Deaf and Dumb be printed for the use of the institution, provided the same be done at a rate not exceeding the contract price of last year.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Booth	Gerard	Morrissey	Schoonmaker
Cole	Harris	Prince	Selkreg
Coleman	Kennaday	Robertson	Starbuck
Doolittle	Lamont	St. John	Woodin

20



*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 1,000 copies of the Twenty-second Annual Report of the Superintendent of Public Instruction, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That 500 copies of the Twenty-second Annual Report of the Superintendent of Public Instruction be printed and bound in cloth for distribution by that officer; one copy also for each school district and school commissioner in the State, and 500 copies bound in cloth for the use of the Legislature, provided the same be done at a cost not to exceed the contract rates of last year.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Both	Harris	Prince	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

FOR THE NEGATIVE.

Bixby

1

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 1,500 copies of the Annual Report of the New York Institution for the Improved Instruction of Deaf-mutes, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That 1,000 copies of the Ninth Annual Report of the New York Institution for the Improved Instruction of Deaf-mutes be printed for the use of the Institution, provided the same be done at the contract rate of last year.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Coleman	Lamont	St. John	Vedder
Doolittle	McCarthy	Sayre	Woodin
Emerson			

21

FOR THE NEGATIVE.

Bixby

1

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Doolittle moved to reconsider the vote by which the report of the committee on public printing, relative to printing the Twenty-second Annual Report of the Superintendent of Public Instruction, was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle moved to amend the report by striking out "500 copies," and inserting "1,500 copies."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said report, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baden	Emerson	Prince	Schoonmaker
Booth	Gerard	Robertson	Selkreg
Bradley	Harris	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Morrissey		
			22

#### FOR THE NEGATIVE.

Bixby

1

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Harris moved to take from the table the resolution in the words following:

*Resolved*, That a clerk and messenger be assigned to the committee on re-apportionment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle moved to reconsider the vote by which said resolution was taken from the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to consideration of general orders, being the bill entitled as follows:

"An act to repeal chapter 353 of the Laws of 1875, entitled 'An act to amend chapter 324 of the Laws of 1871, entitled An act to incorporate the Sisterhood of Grey Nuns in the State of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of said bill, which report was agreed to.

Mr. Woodin moved to substitute for said bill Assembly bill No. 14, same title.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, and said bill ordered to a third reading.

Mr. Harris offered the following :

*Whereas*, Under the Constitution, the duty of re-apportioning the Senate districts of this State devolves upon the present Legislature, and a select committee for that purpose has been appointed by the Senate ; and whereas, in the judgment of the Senate, it is important to the discharge of the duties of said committee that it should be served by a clerk and messenger ; therefore,

*Resolved*, That Edwin A. Woodin be appointed clerk of said committee, at the same compensation received by the clerk of the finance committee, and Charles Vanderkar be appointed messenger of said committee at the same compensation received by the messenger of the finance committee ; and that said appointments continue until the final action upon the subject-matter before said committee shall have been had.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Prince	Starbuck
Booth	Harris	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	Lamont	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

On motion of Mr. Woodin, the Senate then went into executive session ; and, after some time spent therein, the doors were opened, and On motion of Mr. Rogers, the Senate adjourned.

THURSDAY, JANUARY 27, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bradley presented a petition of citizens of the town of Thurston, Steuben county, for the repeal of the law exempting clergymen, church property and private schools from taxation ; which was read, and referred to the committee on finance.

Mr. Doolittle presented a petition of the town of New Haven, Oswego county, upon the same subject ; which was read and referred to the committee on finance.

Mr. Kennaday presented a petition of John Hay and others, claiming as heirs of John G. Leake ; which was read and referred to the committee on the judiciary.

Mr. Prince presented a petition of citizens of Richmond county relative to military exemption from taxation ; which was read and referred to the committee on militia.

Mr. McCarthy presented a petition of citizens of the town of Geddes, asking for the repeal of the law creating a board of town auditors ; which was read and referred to the committee on internal affairs.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 351 of the Laws of 1874, entitled 'An act to equalize the State tax among the several counties of the State,' and to amend chapter 327 of the Laws of 1873 amendatory thereof," reported in favor of the passage of the same, with amendments, the title amended so as to read "An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereof," and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,' passed April 29, 1875," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,'" and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter 399 of Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print extra copies of the report of State Assessors, reported in favor of the following resolutions:

*Resolved* (if the Assembly concur), That 5,000 extra copies of the report of the State Assessors be printed for distribution among the supervisors and assessors of the various towns and cities of the State. Said copies shall be distributed by the Secretary of State so that each supervisor and assessor aforesaid shall receive one copy of said report.

*Resolved* (if the Assembly concur), That 2,000 extra copies be printed for the use of the Legislature and 1,000 extra copies for the use of the State Assessors, and not to exceed the usual contract price.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Booth	Hammond	Prince	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Sayre	Wagner
Coleman	Lamont	Schoonmaker	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to further amend an act entitled 'An

act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, of the asylums for their treatment and safe-keeping and the duties of the State Commissioner in Lunacy,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 271 of the Laws of 1834, entitled 'An act for establishing a justices' court in the city of Troy, and the several acts amendatory thereto ;' also to amend chapter 340 of the Laws of 1849, entitled 'An act to regulate the police of the city of Troy, and the several acts amendatory thereof ;' also to amend other acts relating to the city of Troy," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the police court and justices' court of the city of Troy," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in other States and Territories,'" reported in favor of the passage of the same and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to confirm a deed from 'The Central Baptist Church, Poughkeepsie,' to the Baptist Church of Christ, of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act relating to the assignment of certain mortgages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to provide for the filing of security for the payment of damages and costs by the plaintiff in actions or proceedings against physicians, surgeons, and dentists for damages or punishment for malpractice," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend chapter 879 of the Laws of 1848, entitled 'An act to amend an act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State,' and acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act supplementary to chapter 60 of the Laws of

1813, entitled 'An act to provide for the incorporation of religious societies, and the acts supplementary thereto,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 5 of chapter 525 of the Laws of 1874, entitled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry and councils and granges subordinate thereto,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act relative to the residence and domicile of public officers and employees in the city and county of New York." which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to provide for the construction, maintenance and operation of local railroads in cities, towns and villages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince moved that said bill be printed, pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled the Military Code,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

"An act to amend section 44, article 4, title 6, chapter 5, part 1, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to prevent injury to animals in the city of New York," which was read the first time, and by unanimous consent was also read the second time.

Mr. Gerard moved that said bill be substituted for Senate bill No. 14, same title, now on calendar of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

"An act to authorize police justices and justices of the peace to take recognizance during trial or examination," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act for the improvement of Myrtle avenue, in the city of Brooklyn,' passed June 21, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, concerning allowance of writs

of error in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the concurrent resolution providing for the printing of extra copies of the Annual Report of the New York Institution for the Instruction of the Deaf and Dumb. Also, the concurrent resolution for printing the Annual Report of the Superintendent of Public Instruction. Also, the concurrent resolution for printing the Annual Report of the New York Institution for the Improved Instruction of Deaf-mutes; with messages that they had concurred in the amendments of the Senate thereto, respectively.

*Ordered*, That the Clerk return said resolutions to the Assembly.

The Assembly bill entitled "An act to repeal chapter 353 of the Laws of 1875, entitled 'An act to amend chapter 324 of the Laws of 1871, entitled 'An act to incorporate the Sisterhood of Gray Nuns in the State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Booth	Hammond	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Woodin
Doolittle			

29

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle moved to discharge the committee on railroads from the further consideration of the bill entitled "An act to amend chapter 133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855," and that the same be referred to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond offered the following:

*Resolved* (if the Assembly concur), That 2,500 extra copies of the Seventh Annual Report of Willard Asylum for the Insane be printed for the use of the Managers of the Asylum, and 500 copies for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Booth offered the following:

*Resolved*, That Eugene D. Wood be and he hereby is appointed clerk to the committees on literature and public health for the sessions of 1876 and 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to prevent injury to animals in the city of New York."

"An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson."

"An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Headquarters."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories.'"

Assembly, "An act to authorize the mayor of the city, and the supervisor of the town, of Binghamton, to sell and convey the real estate of said city and town situate in said city for bridge or highway purposes."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and the last named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Sayre
Birby	Gerard	McCarthy	Schoonmaker
Booth	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Coleman	Jacobs	St. John	Woodin
Doolittle	Kennaday		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Emerson moved to reconsider the vote by which the resolution appointing Eugene D. Wood as clerk to the committee on literature and public health was adopted.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson moved to amend the resolution so as to read as follows:

*Resolved*, That L. E. Dake be appointed as clerk of the committees on literature and public health.

Mr. Starbuck moved to lay the amendment upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the motion of Mr. Emerson, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	Sayre	Vedder	
Emerson	St. John	Schoonmaker		7

FOR THE NEGATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Gerard	Morrissey	Starbuck	
Booth	Harris	Prince	Tobey	
Carpenter	Jacobs	Robertson	Wagner	
Cole	Kennaday	Rogers	Woodin	
Coleman	Lamont			22

Mr. Bradley moved to lay the original resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Hammond	St. John	Starbuck	
Emerson	Lamont	Schoonmaker		7

FOR THE NEGATIVE.

Baaden	Doolittle	Morrissey	Selkreg	
Bixby	Gerard	Prince	Tobey	
Booth	Harris	Robertson	Vedder	
Carpenter	Jacobs	Rogers	Wagner	
Cole	Kennaday	Sayre	Woodin	
Coleman	McCarthy			22

The President then put the question whether the Senate would agree to the original resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg	
Bixby	Gerard	Morrissey	Tobey	
Booth	Hammond	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	Jacobs	Rogers	Woodin	
Coleman	Kennaday	Sayre		23

FOR THE NEGATIVE.

Bradley	Lamont	Schoonmaker	Starbuck	
Emerson	St. John			6

On motion of Mr. Rogers, the Senate adjourned.

## FRIDAY, JANUARY 28, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Morrissey presented a remonstrance of laborers and mechanics in the city of New York relative to pauper and prison labor; which was read and referred to the committee of the whole.

Mr. Emerson presented a petition for the repeal of the law exempting clergymen, church property, and private schools from taxation; which was read and referred to the committee on finance.

Mr. Gerard presented the Twenty-seventh Annual Report of the Board of Trustees of the Astor Library; which was laid upon the table and ordered printed.

(See Doc. No. 31.)

Mr. Jacobs presented the Annual Report of the President of the Inebriates' Home for Kings county for the year 1875; which was laid upon the table and ordered printed.

(See Doc. No. 30.)

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print 2,500 extra copies of the Seventh Annual Report of the Willard Asylum for the Insane, reported in favor of the following resolution:

*Resolved* (if the Assembly concur), That 1,500 extra copies of the Seventh Annual Report of the Willard Asylum for the Insane be printed for the use of the Managers of the Asylum, and 500 copies for the use of the Legislature, not to exceed the last contract prices.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sayre
Bixby	Hammond	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder
Doolittle	McCarthy	St. John	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to alter the boundaries of the towns of Hopkinton and Colton, in the county of St. Lawrence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relating to fines imposed in criminal cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 44, article 4, title 6, chapter 5, part 1 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize police justices and justices of the peace to take recognizance during trial or examination," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Headquarters."

"An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson."

"An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories.'"

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873."

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of savings banks or institutions for savings to a uniformity of powers, rights, and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of commissioners to examine and settle all claims for rent upon leases heretofore made for the use of buildings for armories and drill-rooms in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act relating to claims for repairing or fitting up armories or drill-rooms in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to amend chapter 6, article 3, title 3, part 1

of the Revised Statutes of elections in cities and towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to amend chapter 502 of the Laws of 1853, entitled 'An act to authorize stockholders of railroad and plank-road companies to make payments upon mortgages in process of foreclosure against such companies and thereupon to become interested in said mortgages,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend section 4, title 5, chapter 70 of the first part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled an act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act authorizing and empowering the commissioners of public works of the city of Rochester to construct a turn-table or swing bridge over the Erie canal in Fitzhugh street, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to release to John J. Cooke, otherwise called Eli Plank, of the city of Albany, county of Albany and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cook, late of the said city of Albany, died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to authorize the city of Schenectady to borrow money for current expenses."

"An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion.'"

"An act to enable the Medical Society of the State of New York to alter the time of holding its annual meeting."

"An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year 1876."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That there be printed 500 extra copies of the Report of the Trustees of the State Asylum for Idiots for the use of said Asylum.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following :

*Resolved* (if the Senate concur), That there be printed 800 extra copies of the Auditor's Financial Report ; 500 copies for the use of the Legislature, and 300 copies for the use of the Auditor ; the cost of same not to exceed the contract price for the same printing last made.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the concurrent resolution providing for the printing of 5,000 extra copies of the Report of the State Assessors for distribution among the supervisors and assessors of the State ; also, for 2,000 extra copies for the Legislature, and 1,000 extra copies for use of the State Assessors, with a message that they had concurred in the passage of the same.

Mr. Woodin presented a communication, which was read, in the words following :

*To the Legislature of the State of New York :*

The undersigned inspectors of State prisons of the State of New York, respectfully represent :

That, in pursuance of the suggestions contained in the message of His Excellency Governor Tilden, and what the undersigned believe to be a desire on the part of the public, the Board of Inspectors of State Prisons, on motion of Inspector Platt, and by unanimous vote, passed the following resolution :

*Resolved*, That the Board of Inspectors of State Prisons earnestly desire, and deem it expedient and proper, that a full and searching investigation should be made, by some proper authority, into the management of the State prisons, and also the asylum for insane convicts at Auburn, and respectfully request the Legislature of the State of New York to take such measures as will secure such investigation at the earliest possible moment, and would respectfully ask such consideration of the subject as may be thought proper.

Dated ALBANY, *January 26, 1876.*

MOSS KENT PLATT,  
GEORGE WAGNER,  
RODNEY R. CROWLEY,  
*Inspectors.*

Mr. Woodin moved that said communication be referred to the committee on State prisons, with instructions to report by bill or otherwise.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to prevent injury to animals in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Birby	Gerard	Robertson	Selkreg
Carpenter	Hammond	Rogers	Starbuck
Cole	Harris	St. John	Tobey
Coleman	Jacobs	Sayre	Vedder
Doolittle	Prince	Schoonmaker	Woodin
Emerson			

21

## FOR THE NEGATIVE.

Baaden	Booth	Morrissey	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Selkreg
Birby	Emerson	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Carpenter	Hammond	St. John	Vedder
Cole	Harris	Sayre	Woodin
Coleman	Jacobs	Schoonmaker	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Headquarters," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Schoonmaker
Birby	Emerson	Prince	Selkreg
Booth	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey
Cole	Jacobs	St. John	Vedder

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince,	Selkreg
Bixby	Gerard	Robertson	Starbuck
Booth	Hammond	Rogers	Tobey
Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Schoonmaker	Woodin
Coleman	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cole offered the following :

*Resolved* (if the Assembly concur), That 2,000 copies of the Annual Report of the State Blind Asylum, at Batavia, be printed for the use of said institution.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Cole offered the following :

*Resolved*, That the State Engineer and Surveyor be requested to make an examination of the Chenango canal, and the reservoirs and feeders connected therewith ; also, the Chemung canal and its feeders ; also, the Crooked Lake canal ; also, the site of the old Oneida Lake canal ; and, also, the Oneida Lake canal feeder (passing through the villages of Oneida and Durhamville), and to report to the Senate at the earliest practicable time : 1. What lands lying on or adjacent to said canals, reservoirs, and feeders belong to the State, and are not necessary to navigation of said canals, or to the use of said feeders and reservoirs. 2. What portion of said lands have passed into the possession of, or are now occupied by, individuals or corporations by legislative grant or otherwise. 3. What portion of said lands have been built upon, if any, and by what right do parties, if any there be, who have built thereon hold possession of said lands.

The President put the question 'whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Vedder offered the following :

*Resolved*, That a committee of three be appointed by the President of the Senate to draft resolutions expressive of the sense of the Senate, on the death of Hon. Henry Wilson, Vice-President of the United States.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following :

*Resolved* (if the Assembly concur), That 500 extra copies of the report of the State Commissioner in Lunacy be printed for the use of the Legislature, and 500 for the use of the Commissioner.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Doolittle offered the following :

*Resolved*, That David J. Wilson be and he hereby is appointed clerk to the committees on manufactures, agriculture and salt, during the sessions of 1876 and 1877.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Selkreg offered the following :

*Resolved*, That the Clerk of the Senate be and is hereby authorized and directed to substitute the files and binders of the Acme Letter File

## FOR THE AFFIRMATIVE.

Baden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moere	Schoonmaker	

27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The "Concurrent Resolution proposing an amendment to section 3 of article 5 of the Constitution," was read a third time, as follows:

*Resolved* (if the Assembly concur), That section 3 of article 5 of the Constitution be amended so as to read as follows:

"§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him.

"The office of Canal Commissioner is abolished, from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature.



"The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate."

*And whereas*, Said proposed amendment was agreed to by a majority of all the members elected to each of the two Houses of the said Legislature, entered in their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next election of Senators;

*And whereas*, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore,

*Resolved* (if the Assembly concur), That the two Houses composing the present Legislature do agree to the said proposed amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Coleman	Moore	Schoonmaker	Wellman
Emerson	Morrissey	Selkreg	Woodin
Gerard	Prince		

26

#### FOR THE NEGATIVE.

Bixby	Doolittle	McCarthy
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3

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns of this State," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Add to section three the following:

"This act shall not apply to any county in which the board of supervisors thereof has already made provision for the extension of the time for the collection of taxes."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bixby	Harris	Robertson	Tobey
Bradley	Jacobs	Rogers	Vedder
Cole	Loomis	Sayre	Wagner
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Moore	Selkreg	Woodin
Emerson	Morrissey		

26

On motion of Mr. Woodin, and by unanimous consent, the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

The bill entitled "An act in relation to the police court and justices' court of the city of Troy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Moore		

22

FOR THE NEGATIVE.

Prince	Starbuck	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore	Schoonmaker	Woodin

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson offered the following:

*Resolved*, That Frank S. Wiegand be and he is hereby appointed messenger of the judiciary committee in place of Isaac Westervelt, resigned.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bradley offered the following:

*Resolved* (if the Assembly concur), that the Legislature adjourn *sine die* Friday, 17th day of March, 1878.

*Ordered*, That said resolution be laid upon the table.

Mr. Woodin moved that the Rules of the Senate be referred to the committee on rules.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the bill entitled "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,'" be recommitted to the committee on the affairs of villages, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto."

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

"An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter 399 of the Laws of 1871."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Prince moved that the second named bill be recommitted to the committee on the judiciary, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows:

"An act to alter the boundaries of the towns of Hopkinton and Colton, in the county of St. Lawrence."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of said bill, which report was agreed to and said bill ordered to a third reading.

The President announced the appointment of the following committee to draft resolutions relative to the death of Vice-President Wilson:

Messrs. Vedder, Harris and Kennaday.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to authorize the extension of the time for the collection of taxes in the several towns of this State."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Jacobs, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and,

On motion of Mr. Jacobs, the Senate adjourned.

## WEDNESDAY, FEBRUARY 2, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Wellman presented a petition of citizens of Hume, in the county of Allegany, for the repeal of the law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

Mr. Selkreg presented two petitions of citizens of Binghamton relative to a reorganization of the State Inebriate Asylum; which were read and referred to the committee on finance.

Mr. Kennaday presented a petition of P. P. Wells, M. D., and others, for the passage of an act requiring security to be given in actions against physicians, surgeons and dentists; which was read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the equalization of assessments, under chapter 312 of the Laws of 1859, and the amendments thereto."

"An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter 399 of the Laws of 1871."

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm a deed from 'The Central Baptist Church, Poughkeepsie,' to 'The Baptist Church of Christ,' of Poughkeepsie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to reduce the number of overseers of the poor of the town of Watervliet in the county of Albany," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for an additional justice of the peace in the town of Sidney, in the county of Delaware," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to amend chapter 525 of the Laws of 1874, enti-

tled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry and Councils and Granges subordinate thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act in relation to the collection of taxes in the second collection district of the town of Watervliet, in the county of Albany," reported in favor of the passage of the same, with amendments, the title amended so as to read "An act to amend chapter 180 of the Laws of 1845, entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,'" and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 2,000 extra copies of the Annual Report of the State Blind Asylum, at Batavia, reported in favor of the following resolution :

*Resolved* (if the Assembly concur), That 1,000 copies of the Annual Report of the State Blind Asylum, at Batavia, be printed for the use of the institution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Selkreg
Cole	Kennaday	Robertson	Starbuck
Doolittle	Lamont	Rogers	Vedder
Emerson	Loomis	St. John	Wagner
Gerard	McCarthy	Sayre	Wellman
Hammond	Moore	Schoonmaker	Woodin
Harris	Morrissey		

26

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 500 copies of the Annual Report of the Commissioners of Emigration, reported in favor of the following resolution :

*Resolved* (if the Assembly concur), That 500 copies of the Annual Report of the Commissioners of Emigration be printed for the use of said commissioners.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	Rogers	Wellman
Doolittle	Loomis	Sayre	Woodin
Emerson			

25

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 800 extra copies of the Auditor's Financial Report, reported in favor of the following resolution :

*Resolved* (if the Senate concur), that there be printed 800 extra copies of the Auditor's Financial Report, 500 copies for the use of the Legislature, and 300 copies for the use of the Auditor.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg
Bixby	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin
Gerard	Moore	Schoonmaker	27

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Doolittle, from the committee on public printing, to which was referred the resolution to print 10,000 extra copies of the Census Report, reported in favor of the following resolution:

*Resolved* (if the Assembly concur), That 5,000 extra copies of the Preliminary Census Report be printed for the use of the Legislature, and that 500 extra copies thereof be printed for the use of the Secretary of State; the same to be printed from the stereotype plates already used in printing the same as Senate Document No. 6.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	Starbuck
Bradley	Kennaday	Morrissey	Vedder
Coleman	Lamont	Prince	Wagner
Doolittle	Loomis	Robertson	Wellman
Emerson	McCarthy	Sayre	Woodin
Gerard			21

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis, from the committee on public printing, to which was referred the Assembly resolution to print 500 extra copies of the Report of the Trustees of the State Asylum for Idiots, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That there be printed 500 extra copies of the Report of the Trustees of the State Asylum for Idiots, for the use of the said Asylum.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	Schoonmaker
Bixby	Jacobs	Morrissey	Starbuck
Bradley	Kennaday	Prince	Vedder
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Rogers	Wellman
Gerard	McCarthy	Sayre	Woodin
			24

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis, from the committee on public printing, to which was referred the resolution to print 500 extra copies of the Report of the State Commissioner in Lunacy, reported in favor of the following resolution:

*Resolved* (if the Assembly concur), That 500 extra copies of the Report of the State Commissioner in Lunacy be printed for the use of the Legislature, and 500 for the use of the Commissioner.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Starbuck
Coleman	Lamont	Robertson	Vedder
Doolittle	Loomis	Rogers	Wagner
Gerard	McCarthy	St. John	Wellman
Harris	Moore	Sayre	Woodin
Jacobs	Morrissey	Selkreg	

23

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad companies, and to regulate the same,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to certain employees of the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from a committee on behalf of the Homœopathic Medical Society of the State of New York extending an invitation to the Senate to attend its meetings.

Also, the report of the trustees of the Wyoming Benevolent Institute, which was laid upon the table and ordered printed.

(See Doc. No. 34.)

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, His Excellency the Governor, in his late Annual Message to the Legislature recommends that an investigation be had with respect to the necessity of the expenditure represented by the Superintendent of the Onondaga Salt Springs to be necessary for his department, the best method of operating the works, and the general management of the concern; therefore,

*Resolved* (if the Senate concur), That the committees on the manufacture of salt, of the Senate and Assembly, acting jointly, do investigate and examine, as suggested by His Excellency, the affairs of the Onondaga Salt Springs and the management thereof, and report their conclusions to each House without delay; and for that purpose that they be permitted to visit the Onondaga Salt Springs Reservation, and have power to send for persons and papers.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act relating to the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act further to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes relative to proceedings for draining of swamps, marshes, and other low or wet lands, and for draining farm lands,' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to further amend chapter 729 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act relating to the payment of assessments in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to amend section 2 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to define the powers and duties of the superintendent of the poor in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.



By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to amend chapter 209 of the Laws of 1874, entitled 'An act to amend an act passed April 18, 1859, entitled An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in Albany county penitentiary, passed April 12, 1858,' to all the counties in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend part 1, chapter 11, title 3, article 2, sections 21 and 22 of the Revised Statutes in relation to constables," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Pursuant to notice, Mr. Bixby introduced a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend chapter 212 of the Laws of 1865, passed March 25, 1865, and to regulate the practice in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act making it a misdemeanor to cut down timber or trees, or purchase or receive the same or any timber made therefrom," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to require the filing of maps in the assessor's office of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act in relation to the equalization of assessments under chapter 312 of the Laws of 1859, and the amendments thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Schoonmaker
Bixby	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin
Gerard	Moore		

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin

28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter 399 of the Laws of 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg
Bradley	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Wellman
Emerson	Moore	Sayre	Woodin
Gerard			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to alter the boundaries of the towns of Hopkinton and Colton, in the county of St. Lawrence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Kennaday	Robertson	Starbuck
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy	St. John	Wagner
Emerson	Moore	Sayre	Wellman
Gerard	Morrissey	Selkreg	Woodin
Harris	Prince		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin moved that so much of the message of His Excellency the Governor, in response to a resolution of the Senate of January 5th, relative to the results attained by the commission appointed to investigate the management of the canals, as refers to the frauds in expenditures connected with the canals (see page 78, Senate Journal), be referred to the committee on canals.

Pending the question,

The hour of twelve o'clock, *m.*, having arrived, the President announced the executive session.

Mr. Woodin moved that the executive session be postponed until one o'clock and fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

After debate,

The President put the question whether the Senate would agree to the motion referring said message, and it was decided in the affirmative.

Mr. Woodin moved that so much of said message as refers to a "special" appropriation for the Attorney-General in prosecuting cases arising out of canal frauds (see page 79, Senate Journal), be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows :

"An act to legalize and confirm all the acts of the trustees of the village of Medina, in the laying out and construction of South avenue sewer, and accepting conveyances of real estate therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wagner
Doolittle	Lamont	St. John	Wellman
Emerson	Loomis	Sayre	Woodin

28

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and the Clerk ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the concurrent resolution providing for the printing of 1,500 extra copies of the Seventh Annual Report of the Willard Asylum for the Insane," with a message that they had concurred in the same.

The hour of one o'clock and fifteen minutes having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Rogers, the Senate adjourned.

## THURSDAY, FEBRUARY 3, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Moore presented a petition of citizens of Norfolk, St. Lawrence county, for the repeal of the law exempting clergyman, church property and private schools from taxation; which was read and referred to the committee on finance.

Mr. Kennaday presented a petition of the Kings County Medical Society asking for the passage of the act requiring security in actions against physicians; which was read and referred to the committee on the judiciary.

Mr. McCarthy presented resolutions of the board of supervisors of Onondaga county against the bill providing for a recorder's court for the city of Syracuse; which was read and referred to the committee on the judiciary.

Also, a resolution of the board of supervisors of Onondaga county for the repeal of the town audit act of 1875; which was read and referred to the committee on internal affairs.

Mr. Selkreg presented a petition of citizens of Broome county for a reorganization of the State Inebriate Asylum; which was read and referred to the committee on finance.

Mr. Wellman, from the committee on the militia, to which was referred the Assembly bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense,' and entitled the 'Military Code,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm a certain deed made by the trustees of the Lafayette Avenue Presbyterian Church, in the city of Brooklyn, to the trustees of the Fort Green Presbyterian Church, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommended the bill entitled "An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city," reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the town clerk of the town of Watervliet, in the county of Albany," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany,' and in relation to the town clerk of said town," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874, passed June 9, 1875,'" reported adversely thereto.

Mr. Jacobs moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act further to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company, of Staten Island,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on rules, to which was referred the the Rules of the Senate, reported that they have had the same under consideration, made some amendments thereto, and have directed their chairman to report the same to the Senate, as follows:

## RULES AND ORDERS OF THE SENATE.

### ORDER OF BUSINESS.

**RULE 1.** The president having taken the chair at the hour to which the senate shall have adjourned, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistakes therein may be corrected.

**RULE 2.** After the reading and approval of the journal, the order of business shall be as follows:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the governor.
5. Communications and reports from state officers.
6. Messages from the assembly.
7. Introduction of bills.
8. Third reading of bills.
9. Motions and resolutions.
10. Special orders.
11. General orders; but messages from the governor and assembly, and communications and reports from state officers, and reports from the committee on engrossed bills, may be received under any order of business.

# OF THE PRESIDENT.

**RULE 3.** The president shall have the right to name any member to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the president; but such substitute shall not lose the right of voting on any question while so presiding, nor shall his power as such substitute continue for any longer period than two days, without leave of the senate.

**RULE 4.** When the senate shall be ready to go into committee of the whole, he shall name a chairman to preside therein.

**RULE 5.** He shall assign to the door-keepers their respective duties and stations.

**RULE 6.** He shall certify the passage of all bills by the senate with the date thereof, together with the fact whether passed as majority, three-fifths or two-thirds bills, as required by the constitution or laws of this state.

# OF THE CLERK.

**RULE 7.** It shall be the duty of the clerk to have the journal of each day's proceedings printed, and copies thereof placed upon the files of the president, senators and reporters, within three days after approval by the senate.

**RULE 8.** He shall also furnish each senator daily with a printed list of the general orders, which shall be kept on file by the superintendent of documents, in the same manner as other documents. And the clerk of the senate shall see that all bills shall be acted upon by the senate in the order in which they are reported and stand upon the calendar, unless otherwise ordered by two-thirds of the senators present. The calendar shall, also, in like manner and form, include the number and title of bills and joint resolutions which have passed the assembly, and been received by the senate for concurrence.

**RULE 9.** He shall present such bills as shall have originated in the senate, and been passed by both houses, to the governor, and enter the same upon the journals.

**RULE 10.** He shall designate what persons are entitled to admission to the floor as reporters for the public press, not exceeding twenty-two in number.

# OF THE RIGHTS AND DUTIES OF SENATORS.

**RULE 11.** Every senator presenting a paper shall indorse the same; if a petition, memorial, or report to the legislature, with a brief statement of its subject or contents, adding his name; if a notice or resolution, with his name; if a report of a committee, a statement of such report, with the name of the committee and member making the same; if a bill, a statement of its title, with his name, and the fact whether presented on notice, or if by unanimous consent, with a statement of its contents.

**RULE 12.** No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are being read; and when the president is putting a question, no senator shall walk out of or across the house, nor when a senator is speaking, pass between him and the chair.

**RULE 13.** Every senator rising to debate, or to present a petition or other paper, to give a notice, make a motion or report, shall address the president, and shall not proceed further until recognized by the

chair. No senator shall speak more than twice the same day on the same subject, without leave of the senate; and where two or more senators rise at once, the president shall name the senator who is first to speak.

**RULE 14.** Every senator who shall be within the bar of the senate when a question is stated from the chair, shall vote thereon, unless he shall be excused by the senate, or unless he be directly interested in the question.

**RULE 15.** Any senator requesting to be excused from voting may make, either immediately before or after the vote shall have been called, and before the result shall be announced, a brief statement, not occupying over five minutes, of the reasons for making such request, and the question on excusing him shall then be taken without debate.

#### OF COMMITTEES AND THEIR DUTIES.

**RULE 16.** Standing committees, consisting, unless otherwise ordered, of three members, shall be appointed on the following subjects:

1. On claims.
2. On finance, to consist of five members.
3. On judiciary, to consist of seven members.
4. On militia.
5. On canals, to consist of seven members.
6. On railroads, to consist of five members.
7. On roads and bridges.
8. On literature.
9. On State prisons.
10. On banks.
11. On insurance companies.
12. On the erection and division of counties and towns.
13. On agriculture.
14. On commerce and navigation, to consist of five members.
15. On manufacture.
16. On public health and medical societies and colleges.
17. On privileges and elections.
18. On engrossed bills, to consist of five members.
19. On Indian affairs.
20. On public expenditures.
21. On affairs of cities, to consist of seven members.
22. On public buildings.
23. On poor laws.
24. On charitable and religious societies and corporations generally.
25. On retrenchment.
26. On grievances.
27. On the manufacture of salt.
28. On the internal affairs of towns and counties.
29. On public printing.
30. On affairs of villages.
31. On rules.

**RULE 17.** It shall be the duty of the committee on public printing to examine and report on all questions of printing referred to them, and every motion to print any petition, resolution, report, bill, message or other manuscript, except as provided in the joint rules, shall be referred to such committee. They shall, when practicable, report the

approximate cost of all extra printing, and report to the senate from time to time, any measure they may deem useful for the economical and proper management of the public printing.

**RULE 18.** The committee on engrossed bills shall examine all bills, amendments and resolutions which are required to be engrossed, before they go out of possession of the senate, and make report when they find them correctly engrossed, before they are read the third time; they shall also compare such amendment as may be made in the assembly to senate bills, and that are concurred in by the senate after they shall have been re-engrossed in the senate, for the purpose of ascertaining whether they are correctly engrossed.

**RULE 19.** Every report of a committee upon a bill which shall not be considered at the time of making the same, or laid on the table by a vote of the senate, shall stand upon the general orders with the bill, and entered on the journal.

#### OF GENERAL ORDERS AND SPECIAL ORDERS.

**RULE 20.** The matters referred to the committee of the whole senate shall constitute the general orders, and the business of the general orders shall be taken up as follows, viz.: The clerk shall announce the title of each bill, with the printed number, or other matter as it shall be reached in its order, when it may be taken up on the motion of any member without the putting of any question therefor; but if not so moved, it shall lose its preference for the day. And whenever three bills have been moved consecutively, the senate shall go into committee of the whole upon them without further orders; and whenever a motion shall prevail in committee of the whole that the committee now rise, report progress and ask leave to sit again, the motion shall include the bills remaining unacted upon in the committee of the whole which shall be considered in the first committee of the whole thereafter; and no bill shall be considered in committee of the whole, unless the same shall have been printed.

**RULE 21.** Whenever any bill or other matter is made the special order for a particular day, and it shall not be completed on that day, it shall retain its place in the general orders, unless it shall be made the special order for another day; and when a special order is under consideration it shall take precedence of any special order for a subsequent hour of the same day; but such subsequent special order may be taken up immediately after the previous special order has been disposed of.

#### OF THE COMMITTEE OF THE WHOLE.

**RULE 22.** The rules of the senate shall be observed in the committee of the whole, so far as may be applicable, except limiting the number of times of speaking and except that the ayes and noes shall not be taken. Such committee may strike out the enacting clause of a bill, and report that fact to the senate; and if the report be agreed to by the senate, it shall be deemed a rejection of the bill.

**RULE 23.** Bills committed to a committee of the whole senate, shall in committee of the whole be read through by sections. The report shall state whether or not said bill has been amended in committee of the whole. After the report, the bill shall be subject to debate and amendment before the question to engross is put; but such amendments



only shall be in order as were offered and decided in the committee of the whole senate, except by unanimous consent.

RULE 24. A motion that the committee rise and report progress on any bill shall always be in order, and shall be decided without debate.

### OF BILLS.

RULE 25. Every bill shall be introduced by motion for leave, or on the report of a committee, or by message from the assembly; and one day's notice, at least, shall be given of an intended motion for leave to bring in a bill, unless the senate unanimously order otherwise. Such notice shall state generally the subject-matter of such bill.

RULE 26. When a bill shall be reported by a committee of the whole, and not otherwise disposed of, the question shall be, "Shall the report be agreed to?" And when the report of such committee, if favorable, shall be agreed to, and the bill not otherwise disposed of, the bill shall be ordered engrossed for a third reading. Upon such question the merits of the bill may be debated, and a motion to commit or recommend, or to amend, as provided in the 24th rule, or lay on the table, or to postpone to a future day, shall be in order. If such question be decided in the negative, such bill shall be deemed lost.

RULE 27. Every bill shall receive three readings previous to its being passed, and the president shall give notice at each, whether it be the first, second or third. No bill shall be amended or committed until it shall have been twice read, and no bill shall be read a third time out of its regular order, nor on the same day on which it is ordered to a third reading unless on a vote of two-thirds of all the senators present and voting; and no bill shall be read a third time unless it shall have been printed; and all resolutions which propose any amendment of the constitution, shall be treated in the form of proceedings on them, in a similar manner with bills, except that it shall not be necessary to commit such resolutions to a committee of the whole; and no bill shall be ordered to a third reading without having been acted upon in committee of the whole.

RULE 28. After a bill or resolution to amend the constitution shall be ordered to a third reading, no motion to amend the same shall be in order without unanimous consent, but any such bill or resolution may be committed prior to the completion of the final reading thereof.

RULE 29. When any bill requiring the concurrence of two-thirds of the senators, is under consideration, such concurrence shall not be requisite except on the question of its final passage.

RULE 30. The question on the final passage of every bill shall be taken by ayes and noes, which shall be entered on the journal, and unless the bill receive the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for by the 34th rule, and such question shall be taken immediately after the third reading and without debate.

RULE 31. All bills shall be printed in the order in which they are reported by the committees, unless otherwise ordered by the senate.

RULE 32. The vote on the final passage of any bill appropriating the public moneys or property, or creating, continuing, altering or renewing any body politic or corporate, shall not be reconsidered whenever any such bill shall be lost, unless by a vote of a majority of all the senators elected; but all other bills, when the same shall have

been lost, may be reconsidered by a vote of a majority of all the senators present and voting; nor shall any bill be referred to a select committee with power to report complete, unless such bill has previously been considered in committee of the whole, and read through by sections.

RULE 33. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill require a vote of two-thirds of all the members elected to pass it, and it appears that such number is not present, the bill shall be laid on the table, and the final question taken thereon at such time as the senate shall order.

### OF MOTIONS AND THEIR PRECEDENCE

RULE 34. When a question is before the senate, no motion shall be received, except as herein specified; which motions shall have precedence, in the order stated, viz.:

1. For an adjournment.
2. To lay on the table.
3. To postpone indefinitely.
4. To postpone to a certain day.
5. To commit to a standing committee.
6. To commit to a select committee.
7. To the committee of the whole.
8. To amend.

The motion to adjourn and to lay on the table shall always be in order, and shall be decided without debate.

RULE 35. All motions shall be reduced to writing, if desired by the president or any member, delivered to the clerk and read by him, before the same shall be debated; but any such motion may be withdrawn at any time before decision or amendment is made.

RULE 36. If the question in debate contains several points, any member may have the same divided, provided the division called for embodies a distinct principle or statement of fact.

RULE 37. A motion to postpone, commit or refer, until it is decided, shall preclude all debate of the main question.

RULE 38. When a blank is to be filled, and different sums or time shall be proposed, the question shall be first taken on the highest sum and the longest time.

RULE 39. When a question has been once put and decided, it shall be in order for any senator to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the senate, and no bill or resolution shall, before the first day of April, be sent from the senate on the day of its passage; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the next three days of the actual session of the senate thereafter. Nor shall any question be reconsidered more than once.

RULE 40. All concurrent resolutions shall lie on the table at least one day.

### OF QUESTIONS OF ORDER.

RULE 41. All questions relating to the priority of business shall be decided without debate.

**RULE 42.** When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the senate, without debate.

**RULE 43.** When a senator shall be called to order he shall take his seat until the president shall have determined whether he was in order or not; and, if decided to be out of order, he shall not proceed without the permission of the senate; and every question of order shall be decided by the president, subject to an appeal to the senate by any member; and no second appeal shall be entertained until the original appeal shall be decided; and if a senator be called to order for words spoken, the words excepted to shall be immediately taken down in writing, that the president or senate may be better enabled to judge of the matter.

**RULE 44.** Upon a division in the senate, the names of those who voted for or against a question shall be entered alphabetically on the minutes, if any senator requires it, except upon motions to excuse a senator from voting, which shall be decided by count; and each senator called upon, unless for special reasons he be excused by the senate, shall declare, openly and without debate, his assent or dissent to the question.

#### OF EXECUTIVE SESSION.

**RULE 45.** On motion made and seconded to close the doors of the senate, on the discussion of any business which may, in the opinion of any senator, require secrecy, and during the consideration of all business in executive session, the president shall direct all persons, except the senators and clerk of the senate and his messenger, to withdraw; and during the discussion of said motion the doors shall remain shut; and every senator and officer of the senate shall keep secret all such matters, proceedings and things which shall transpire while the doors remain closed.

**RULE 46.** The proceedings of the senate upon executive business shall be kept in a journal separate from its proceedings upon legislative business.

**RULE 47.** The senate shall go into consideration of executive business on the first and third Wednesdays of every month that it is in session, at twelve o'clock at noon thereof. Any nomination sent by the governor for the appointment of any officer (except a notary public) shall be referred to that standing committee of the senate to which the duties of such officer appertain, unless otherwise ordered; and no nomination shall be further considered by the senate until after the report thereon of a majority of the standing committee to which it was referred, and the consent of the senate to the appointment of any officer nominated by the governor, given on any day of the transaction of executive business, shall not be transmitted to the governor until the next day thereafter, for the transaction of such business. Nominations of persons for the office of notary public shall be referred to the senator from the district in which the nominee resides, except that, when the nominee resides in the city and county of New York, the reference shall be to the senators from that city and county, and when the nominee resides in the county of Kings the reference shall be to the senators from that county.

## MISCELLANEOUS PROVISIONS.

RULE 48. No person other than officers of the state, members and officers of the senate and assembly, unless on invitation of the president, or by vote of the senate, shall be admitted within the bar.

RULE 49. None but the president, senators and clerks shall be allowed to take books belonging to the senate chamber; and on taking books each of the persons above mentioned shall furnish to the librarian a list of those taken, and his name, and shall be responsible for them; and it shall be the duty of the librarian to have a book in which he shall enter the delivery of the books so taken and their return; and it shall be his duty to see that the books in the library are kept in order and in their place at the opening of each morning session.

RULE 50. It shall be the duty of the superintendent of documents, and his assistant, to have the documents and bills promptly placed upon the files of the president and senators, in the order of their numbers, and it shall be the duty of the assistant sergeant-at-arms to see that the mails are punctually delivered.

RULE 51. No rule of the senate shall be altered, suspended or rescinded without a vote of a majority of all the senators elected; and no motion to suspend, alter or rescind any such rule, or any joint-rule of the two houses, shall be in order without the unanimous consent of the senate, unless one day's previous notice thereof shall be given; and no motion to suspend shall embrace more than one rule, or relate to any other subject than the one specified in said motion.

RULE 52. Whenever a claim is presented to the senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial.

RULE 53. In case a less number than a quorum of the senate shall convene, they are hereby authorized to send the sergeant-at-arms, or any other person, for any or all absent members, as the majority of such members shall agree.

Mr. Woodin moved that said report be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg, from the committee on poor laws, to which was referred the bill entitled "An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, Dutchess county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Presented the Annual Report of the trustees of the New York State Library, which was laid upon the table and ordered printed.

(See Doc. No. 36.)

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April 8, 1861, chapter 143, Laws of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to alter the first and second judicial districts of the State as established by chapter 241 of the Laws of 1847, entitled 'An act to divide the State into judicial districts, so as to conform the same to the boundaries of the city of New York and of the county of Westchester, as now constituted by law,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 803 of the Laws of 1868, entitled 'An act to amend the acts to provide for the incorporation of religious societies, so far as the same relate to churches in connection with the Protestant Episcopal Church,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend chapter 83 of the Laws of 1869, entitled 'An act to provide for the improvement of Grass river and of the water power thereon, and to check freshets therein,' passed March 31, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act in relation to wills of personal estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to re-establish the boundary line of the counties of Oneida and Madison between part of the towns of Vernon and Lenox, in said counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on erection and division of towns and counties.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to enable a wife to be a witness against her husband or on behalf of another party in cases of criminal conversation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act relative to personal property of fire companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to provide for uniformity of text-books in common schools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to prevent fraud by commissioners appointed by any court or by the Legislature of this State, and to provide for the accounting of commissioners; and to punish commissioners, engineers and surveyors for fraud," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to secure more reliable and complete information concerning the financial and social condition of the several cities and villages of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to enlarge the power of the Canal Board," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to further amend chapter 541 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh;' also to amend chapter 551 of the Laws of 1872; also to amend chapter 326 of the Laws of 1875, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Tobey moved that the committee on insurance be discharged from the further consideration of the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," and that the same be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy offered the following :

*Whereas*, An emergency has arisen rendering it necessary for the committee on privileges and elections of the Senate, in the matter of James Cavanagh, contesting the seat of Hon. John C. Jacobs, to employ a stenographer ; therefore,

*Resolved*, That Matthew W. Tanner be, and he hereby is authorized and employed to report the testimony and proceedings before said com-

mittee in said matter, and all other matters that may come before said committee rendering it necessary to employ the services of a stenographer, and that his services shall be audited and paid by the Comptroller.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Schoonmaker	24
Bixby	Harris	Morrissey	Selkreg	
Bradley	Kennaday	Prince	Starbuck	
Coleman	Lamont	Robertson	Tobey	
Doolittle	Loomis	St. John	Vedder	
Emerson	McCarthy	Sayre	Woodin	

Mr. Sayre offered the following :

*Resolved* (if the Assembly concur), That 3,000 copies of the Annual Report of the Board of Managers of the New York State Lunatic Asylum, at Utica, be printed ; 2,000 copies for the use of the Managers and 1,000 for the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Harris offered the following :

*Resolved* (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following sections :

" § 2. There shall be raised by tax, in each year, upon the real and personal estate of each county within the State, one mill and one-fourth of a mill upon each and every dollar of the equalized valuation of such estate for the support of common schools in the State ; and the Legislature shall provide for the apportionment and distribution of such tax.

" § 3. The common schools of the State shall be free to all persons over five and under twenty-one years of age residing in the State.

" § 4. Neither the money nor the credit of the State, nor of any municipal corporation, town or county shall be applied to the support of sectarian schools."

*Ordered*, That said resolution be laid upon the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad companies, and to regulate the same.'"

"An act in relation to certain employees of the mayor, aldermen and commonalty of the city of New York."

"An act to amend chapter 180 of the Laws of 1845, entitled 'An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts.'"

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature.'"

"An act relating to fines imposed in criminal cases."

"An act to amend section 5 of chapter 525 of the Laws of 1874, entitled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto.'"

After some time spent therein the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Woodin moved that said bill be recommitted to the committee on public printing, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, By a concurrent resolution of the Senate and Assembly, March 31, 1875, the Governor was authorized, by and with the advice and consent of the Senate, to appoint a commission, whose duty it should be to investigate the affairs of the canals; and whereas, such commission was subsequently duly appointed and confirmed; and whereas such a commission, among other things, was instructed to report the testimony they should take, together with such recommendations in respect to the same as they should deem warranted by the facts, to the Governor and to the Legislature at the *opening* of its next session; and whereas such commission has, in pursuance of the power vested in them by such concurrent resolution, and subsequent legislation confirmatory thereof, caused such investigation to be made, and, as it appears in the newspapers, have, in pursuance of the duty imposed upon them, from time to time, made reports of testimony taken, and the conclusions therefrom and recommendations thereon to the Governor; and whereas, the Legislature has been opened and in session for four weeks, and no compliance has been had, as ordered by said concurrent resolution, in the matter of the report to be made to the Legislature at its opening; and whereas, the said commission have personally examined the work upon the Erie and Champlain canals, done under contracts alleged and supposed to have been of a fraudulent character; and whereas, any recommendations and suggestions from said commission which will be for the interest of the State should be adopted by the Legislature at its present session; and whereas, further delay will render it difficult, if not impossible, for the Legislature to examine such report during its present session, so that such measures may be taken as will remedy existing evils and provide for the future economical and honest administration of the affairs of the canals; therefore,

*Resolved* (if the Senate concur), That the commission appointed under and in pursuance of a concurrent resolution of the Senate and Assembly, passed March 31, 1875, whose duty it was to investigate the affairs of the canals of the State, be directed to report to the Legislature, within ten days, all the testimony they have taken, together with such recom-



mendations in respect to the same as they have or shall deem warranted by the facts, under and by virtue of the powers and requirements of the concurrent resolution above named.

*Ordered*, That said resolution be laid upon the table.

Mr. Jacobs moved that said resolution be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris offered the following:

*Resolved*, That 1,000 copies of the Annual Report of the Trustees of the State Library be printed, of which 500 shall be bound for the use of the library.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Woodin, the Senate adjourned.

## FRIDAY, FEBRUARY 4, 1876.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Clark.

The journal of yesterday was read and approved.

Mr. Emerson presented a petition of the board of supervisors of Monroe county for the repeal of the law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

Mr. Starbuck presented a remonstrance against declaring Swiss creek in Croghan, Lewis county, a public highway; which was read and referred to the committee on roads and bridges.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act to amend chapter 209 of the Laws of 1874, entitled 'An act to amend an act passed April 18, 1859, entitled An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida in the Albany county penitentiary,' passed April 12, 1858, to all the counties in this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 133 of the Laws of 1855; entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same,'" reported in favor of the passage of the same, with amendments and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend chapter 83, Laws of 1869, entitled 'An act to provide for the improvement of Grass river and of the water power thereon, and to check freshets therein,' passed March 31, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm a certain deed made by the Border Mission Sabbath School of the city of Brooklyn to the trustees of the Lafayette avenue Presbyterian Church in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to alter the first and second judicial districts of the State as established by chapter 241 of the Laws of 1847, entitled 'An act to divide the State into judicial districts,' so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constituted by law," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to certain employees of the mayor, aldermen and commonalty of the city of New York."

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad companies, and to regulate the same.'"

"An act relating to fines imposed in criminal cases."

"An act to amend chapter 180 of the Laws of 1845, entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts.'"

"An act to amend section 5 of chapter 525 of the Laws of 1874, entitled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto.'"

"An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city."

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to secure justice and fair-dealing between the local government of the city of New York, its officers and agents

and those who may furnish services, labor or material for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Rogers moved that said bill be printed pending its consideration by the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative:

The Assembly returned the concurrent resolution proposing an amendment to section three of article five of the Constitution, with a message that they had concurred in the same.

*Ordered*, That the Clerk deliver said resolution to the Secretary of State.

The bill entitled "An act relating to fines imposed in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill; and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	McCarthy	Sayre
Bixby	Jacobs	Moore	Schoonmaker
Booth	Kennaday	Morrissey	Selkreg
Bradley	Lamont	Robertson	Tobey
Coleman	Loomis	Rogers	Wellman
Gerard			

21

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 5 of chapter 525 of the Laws of 1874, entitled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Booth	Jacobs	Moore	Sayre
Bradley	Kennaday	Morrissey	Selkreg
Cole	Lamont	Prince	Starbuck
Emerson	Loomis	Robertson	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Schoonmaker
Booth	Jacobs	Prince	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Cole	Loomis	Rogers	Tobey
Coleman	McCarthy	St. John	Wellman
Emerson	Moore	Sayre	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to certain employees of the mayor, aldermen and commonalty of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Selkreg
Booth	Kennaday	Robertson	Starbuck
Cole	Loomis	Rogers	Tobey
Coleman	McCarthy	St. John	Wellman
Gerard	Moore	Sayre	Woodin
Harris	Morrissey	Schoonmaker	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 180 of the Laws of 1845, entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sayre
Bixby	Harris	Moore	Schoonmaker
Bradley	Jacobs	Morrissey	Selkreg
Cole	Kennaday	Robertson	Starbuck
Coleman	Lamont	Rogers	Wellman
Emerson	Loomis	St. John	Woodin
			24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act for the appointment of a commission to investigate the affairs of the State prisons of the State, and to prescribe the manner of such investigation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McCarthy offered the following :

*Resolved*, That the committee on privileges and elections have power to send for persons and papers, and have compulsory power, if necessary,

to secure the attendance of witnesses in any contested election case before them.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Selkreg moved to take from the table the resolution in the words following :

*Resolved*, That the Clerk of the Senate be and he is hereby authorized and directed to substitute the files and binders of the Acme Letter File Manufacturing Company for those now in use in the Senate; that he also be directed to inquire into the merits of the parchment paper manufactured by the said company, and in case he deems it preferable to the varieties hitherto in use, to make purchase of it for uses in the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin moved that said resolution be referred to the committee on public printing, with instructions to inquire into the cost and practicability of the proposed letter file.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder."

"An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany,' and in relation to the town clerk of said town."

"An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of said bills, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to amend section 44, article 4, title 6, chapter 5, part 1. of the Revised Statutes."

"An act to authorize police justices and justices of the peace to take recognizance during trial or examination."

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense,' and entitled the 'Military Code.'"

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck moved that the first named bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island.'"

Assembly "An act to confirm a certain deed made by the trustees of the Lafayette avenue Presbyterian Church in the city of Brooklyn, to the trustees of the Fort Green Presbyterian Church in said city."

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. Baaden, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Baaden, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and the same ordered to a third reading.

Mr. Baaden, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and the various acts amendatory thereof," and said bill was ordered engrossed for a third reading.

Mr. Morrissey offered the following:

*Resolved*, That when the Senate adjourn to-day it adjourns to meet next Monday evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. St. John moved that the bill entitled "An act to enlarge the powers of the Canal Board," be printed pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Rogers, the Senate then went into executive session; and, after some time spent therein, the doors were opened and legislative business resumed.

Mr. Bradley moved that the bill entitled "An act to amend an act entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,' passed May 11, 1874," be printed pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Booth, the Senate adjourned.

# MONDAY, FEBRUARY 7, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 4, was read and approved.

Mr. Booth presented resolutions of the Chamber of Commerce of the State of New York relative to savings banks; which were read and referred to the committee on banks.

Mr. Bradley presented a remonstrance of citizens of Chemung county against the abandonment of that portion of the Chemung canal and feeder between Corning, Horseheads and Watkins; which was read and referred to the committee on canals.

Mr. Sayre presented a remonstrance of members of the bar of the city of Utica against the dismemberment of the fifth judicial district; which was read and referred to the committee on the judiciary.

The Assembly returned the concurrent resolution relative to printing 800 extra copies of the Auditor's Financial Report, with a message that they had non-concurred in the amendment of the Senate thereto.

Mr. Doolittle moved that the Senate recede from its amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have receded from their amendment thereto.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to prescribe the cubic contents of a perch of stone or masonry, and the manner of measuring and estimating such cubic contents," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Cole (by request) asked and obtained leave to introduce a bill entitled "An act to authorize plank-road and turn-pike companies, formed under and by virtue of 'An act to provide for the incorporation of companies to construct plank-roads, and of 'companies to construct turnpikes,' passed May 7, 1847, to extend their charter or corporate existence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg offered the following:

*Resolved*, That the Secretary of State be respectfully requested to furnish the Senate with a copy of the proposals issued on the 3d of January last for the legislative printing; also a detailed copy of the bids thereunder, and a full copy of the contract entered into, or proposed to be entered into, for such printing under such bids.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Cole offered the following:

*Resolved*, That George Martinus be and he hereby is appointed superintendent of mail and express matter for the present session, and that he receive the same *per diem* and mileage compensation now by law authorized and paid to the assistant postmaster of the Senate for the session of 1876, and that the said compensation be paid in the same manner that other officers of the Senate are paid.

Mr. Cole moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to confirm a deed from the Central Baptist Church, Poughkeepsie, to the Baptist Church of Christ of Poughkeepsie."

"An act to amend chapter 133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855."

"An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of said bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows :

"An act to alter the first and second judicial districts of the State as established by chapter 241 of the Laws of 1847, entitled 'An act to divide the State into judicial districts so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constituted by law.'"

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

The Assembly sent for concurrence the bill entitled as follows :

"An act to establish a recorder's court in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Booth, the Senate adjourned.

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TUESDAY, FEBRUARY 8, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Prince presented a petition for securing to the women of the State the right to vote for Presidential electors; which was read and referred to the committee on the judiciary.



Mr. Hammond presented a petition of D. E. Moore and others, citizens of Ontario county, for a modification of the fish and game laws; which was read and referred to the committee on internal affairs.

Mr. Emerson presented two petitions of tax-payers of the city of Rochester, to abolish the Board of Public Works of said city; which were read and referred to the committee on the affairs of cities.

Mr. Robertson presented petitions of Emily Howland and others, for securing to women of the State the right to vote for Presidential electors; which were read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to petit juries and verdicts," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Loomis, from the committee on public printing, to which was re-committed the bill entitled "An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the legislature,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act allowing the Utica, Ithaca and Elmira Railroad to extend its tracks, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder."

"An act to confirm the official acts of Walter H. Allen, a superintendent of the Poor of the county of Seneca, and to enable him to take and file his oath of office."

"An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany,' and in relation to the town clerk of said town."

"An act further to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island.'"

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof."

"An act to fix the compensation of the Overseer of the Poor of the town of Rhinebeck, in Dutchess county."

"An act to amend chapter 133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855."

"An act to confirm a deed from the Central Baptist Church, Poughkeepsie, to the Baptist Church of Christ of Poughkeepsie."

The bill entitled "An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Booth	Gerard	Prince	Selkreg
Bradley	Hammond	Robertson	Starbuck
Carpenter	Harris	Rogers	Wagner
Cole	Loomis	St. John	Woodin
Coleman	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Booth	Hammond	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore		

26

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly, immediately, and request their concurrence therein.

The bill entitled "An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany,' and in relation to the town clerk of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Schoonmaker
Bixby	Doolittle	Morrissey	Selkreg
Booth	Emerson	Prince	Starbuck
Bradley	Gerard	Robertson	Tobey
Carpenter	Loomis	St. John	Wagner
Cole	McCarthy	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE -AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Booth	Emerson	Morrissey	Schoonmaker
Bradley	Gerard	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Loomis	Rogers	Woodin
Coleman	McCarthy	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm a deed from the Central Baptist Church, Poughkeepsie, to the Baptist Church of Christ of Poughkeepsie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Loomis	Rogers	Wagner
Cole	McCarthy	Sayre	Woodin
Coleman			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter.133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Schoonmaker
Bixby	Emerson	Prince	Selkreg
Booth	Gerard	Robertson	Starbuck
Bradley	Loomis	Rogers	Tobey
Carpenter	McCarthy	St. John	Wagner
Coleman	Moore	Sayre	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad companies, and to regulate the same,' having been announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, said bill was amended as follows :

At the end of section 1, add as follows :

"Nothing herein shall be construed to authorize the change of either terminus to any other county than one adjoining that in which it was previously located, nor the reduction of the amount of capital stock per mile below that now required by law."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Booth	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Loomis	Robertson	Tobey
Coleman	McCarthy	Rogers	Wagner
Doolittle			

21

FOR THE NEGATIVE.

Schoonmaker	1
-------------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Morrissey	Selkreg
Bixby	Doolittle	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Bradley	Harris	St. John	Wagner
Carpenter	McCarthy	Sayre	Woodin
Cole	Moore	Schoonmaker	

23

FOR THE NEGATIVE.

Loomis	1
--------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm a certain deed made by the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn, to the Trustees of the Fort Green Presbyterian Church in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Loomis	Sayre	Wagner

Coleman  
DoolittleMcCarthy  
Moore

Schoonmaker

Woodin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize police justices and justices of the peace to take recognizances during trial or examination," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Carpenter  
Coleman  
DoolittleEmerson  
Gerard  
Hammond  
Harris  
Loomis  
McCarthyMoore  
Morrisey  
Prince  
Robertson  
Rogers  
St. JohnSayre  
Schoonmaker  
Selkreg  
Starbuck  
Wagner  
Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin called from the table the Assembly concurrent resolution, in the words following:

*Whereas*, By a concurrent resolution of the Senate and Assembly, March 31, 1875, the Governor was authorized, by and with the advice and consent of the Senate, to appoint a commission, whose duty it should be to investigate the affairs of the canals; and whereas, such commission was subsequently duly appointed and confirmed; and whereas such a commission, among other things, was instructed to report the testimony they should take, together with such recommendations in respect to the same as they should deem warranted by the facts, to the Governor and to the Legislature at the opening of its next session; and whereas such commission has, in pursuance of the power vested in them by such concurrent resolution, and subsequent legislation confirmatory thereof, caused such investigation to be made, and, as it appears in the newspapers, have, in pursuance of the duty imposed upon them, from time to time, made reports of testimony taken, and the conclusions therefrom and recommendations thereon to the Governor; and whereas, the Legislature has been opened and in session for four weeks, and no compliance has been had, as ordered by said concurrent resolution, in the matter of the report to be made to the Legislature at its opening; and whereas, the said commission have personally examined the work upon the Erie and Champlain canals, done under contracts alleged and supposed to have been of a fraudulent character; and whereas, any recommendations and suggestions from said commission which will be for the interest of the State should be adopted by the Legislature at its present session; and whereas, further delay will render it difficult, if not impossible, for the Legislature to examine such report during its present session, so that such measures may be taken as will remedy existing evils and provide for the future economical and honest administration of the affairs of the canals; therefore,

*Resolved* (if the Senate concur), That the commission appointed under and in pursuance of a concurrent resolution of the Senate and Assembly, passed March 31, 1875, whose duty it was to investigate the affairs of the canals of the State, be directed to report to the Legislature, within

ten days, all the testimony they have taken, together with such recommendations in respect to the same as they have or shall deem warranted by the facts, under and by virtue of the powers and requirements of the concurrent resolution above named.

Mr. Starbuck moved to amend the resolution by striking out the words "within ten days," and insert the words "at their earliest convenience," in lieu thereof.

Pending which and after debate,

Mr. Rogers moved that the resolution and amendment be laid upon the table until to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin offered the following:

*Whereas*, the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, on the 11th day of January, 1876, and

*Whereas*, His Excellency the Governor, on the 13th day of January last, nominated to the Senate Geo. W. Schuyler, for the office thus made vacant, which nomination the Senate rejected; and,

*Whereas*, The Senate is informed, that in disregard of this judgment and action of the Senate, the person thus rejected is assuming to act as Auditor, therefore, with a view to such action as may be necessary,

*Resolved*, That his Excellency the Governor be and he is hereby respectfully requested to inform this body, whether it is his purpose to make any further nomination to the Senate for the office of Auditor of the Canal Department.

After debate,

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker moved that said resolution be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Birby	Hammond	Morrissey	Schoonmaker
Bradley	Loomis	St. John	Starbuck
Gerard			

9

#### FOR THE NEGATIVE.

Baaden	Coleman	Moore	Sayre
Booth	Doolittle	Prince	Selkreg
Carpenter	Harris	Robertson	Tobey
Cole	McCarthy	Rogers	Woodin

16

Mr. Woodin offered the following:

*Whereas*, Francis S. Thayer resigned the office of Auditor of the Canal Department on the 11th day of January, 1876, by reason whereof a vacancy in said office was created; and,

*Whereas*, No appointment of Auditor of said department has since been made, and said office remains vacant; therefore

*Resolved*, That the State Treasurer be and he is hereby requested to inform this body whether, since the resignation of said Thayer, he has paid or authorized the payment of any drafts or warrants drawn since said resignation by any person assuming to act as Auditor of said depart-

ment, and, if so, the number and several amounts thereof, and to whom payable, and by whom drawn.

Mr. Starbuck moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 83 of the Laws of 1869, entitled 'An act to provide for the improvement of Grass river, and of the water-power thereon, and to check freshets therein,' passed March 31, 1869."

Assembly, "An act to alter the first and second judicial districts of the State, as established by chapter 241 of the Laws of 1847, entitled, 'An act to divide the State into judicial districts, so as to conform the same to the boundaries of the city of New York and of the county of Westchester, as now constituted by law.'"

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered for a third reading.

Mr. Gerard, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office."

"An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds, issued pursuant to chapter 399 of the Laws of 1871."

"An act to authorize the city of Newburgh to raise certain moneys by tax for the care and improvement of Washington's Head-quarters."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Harris called from the table the concurrent resolution proposing amendments to the Constitution, by adding three sections thereto, relative to the common schools.

Mr. Harris moved that said resolution be referred to the committee on literature.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Selkreg, the Senate adjourned.

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### WEDNESDAY, FEBRUARY 9, 1876.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Magee.

The journal of yesterday was read and approved.

Mr. Bixby presented a petition of certain property owners in the twelfth ward of the city of New York against the repeal of chapter 920 of the Laws of 1869, relative to opening streets and avenues in the city of New York; which was read and referred to the committee on the affairs of cities.

The Assembly returned the bill entitled "An act in relation to the police court and justices' court of the city of Troy," with a message that they had passed the same, with the following amendments:

Section 4, line 1, after the word "with," insert the words "having committed." Line 2, after the word "offense," insert the words "within the city of Troy."

Section 8, lines 14 and 15, strike out the words "said police magistrate or said assistant police magistrate," and insert in lieu thereof the words "the sheriff of the county of Rensselaer." Line 19, strike out the word "thirty," and insert in lieu thereof the word "fifty-nine." Add, at the end of section 8: "All moneys received by the sheriff of the county of Rensselaer under this section shall be accounted for and paid by him quarterly to the chamberlain of the said city of Troy."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Booth	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Tobey
Coleman	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for the reporting of persons in the various State benevolent institutions of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1876," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on finance.

"An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to cure irregularities on the part of the common council of the city of Buffalo, in entering into a contract with Joseph Dennis, for planking South Michigan street, from the center of Ganson street to a point 459 feet southerly therefrom, and enabling said city to levy and collect an assessment to defray the expense of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to county treasurers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the payment of assessments in the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act relating to the payment of assessments for local improvements in the city of New York," and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to authorize the Patriot Orphan Home to convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

Mr. Woodin moved to take from the table the resolution in the words following:

*Whereas*, The office of Auditor of the Canal Department became vacant, by the resignation of Francis S. Thayer, on the 11th day of January, 1876; and,

*Whereas*, His Excellency the Governor, on the 18th day of January last, nominated to the Senate George W. Schuyler for the office thus made vacant, which nomination the Senate rejected; and,

*Whereas*, The Senate is informed that, in disregard of the judgment and action of the Senate, the person thus rejected is assuming to act as Auditor; therefore, with a view to such action as may be necessary,

*Resolved*, That his Excellency the Governor be and he is hereby respectfully requested to inform this body whether it is his purpose to make any further nomination to the Senate for the office of Auditor of the Canal Department.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to amend said resolution so as to read as follows :

*Whereas*, Francis S. Thayer resigned the office of Auditor of the Canal Department on the 11th day of January last; and

*Whereas*, His Excellency the Governor, on the 13th day of January, nominated to the Senate Geo. W. Schuyler, for the office of "Auditor, in the place of Francis S. Thayer, resigned," which nomination was duly rejected; and

*Whereas*, The Senate is informed that, in disregard of this judgment and action of the Senate, the person thus rejected is assuming to act as Auditor, therefore, with a view to such action as may be necessary,

*Resolved*, That it is the judgment of the Senate that the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, and remains vacant until duly filled by a lawful appointment, upon the nomination of the Governor and confirmation by the Senate.

*Resolved*, That it is the further judgment of the Senate that the public interests require that the office of Auditor of the Canal Department should be filled without further delay.

On motion of Mr. Starbuck, and by unanimous consent, the further consideration of said resolution was deferred until to-morrow.

Mr. Schoonmaker offered the following :

*Whereas*, Pursuant to concurrent resolution of the Legislature, passed March, 1875, a joint committee of three Senators and three Members of Assembly was duly appointed to investigate into the question of fraud or collusion between the State officers and the contractors in reference to the letting or prosecution of any contracts for work upon the canals then in force or finished, and the whole subject connected with the performance of such contracts, and all awards made by Canal Appraisers with authority and power in said committee to employ counsel and stenographer, and to send for persons and papers, and with liberty to report partially at any time, but with directions to report in full within thirty days; and,

*Whereas*, By concurrent resolution adopted May 6, 1875, the time in which said joint committee was required to report was extended, and the said committee was directed to hold joint sessions during the recess of the Legislature, for the purpose of continuing and completing the investigation directed to be made, with authority to employ counsel, a stenographer, clerk and messenger, and power to send for persons and papers, with directions to report to the next Legislature; and,

*Whereas*, Said joint committee has not yet made its report; therefore

*Resolved* (If the Assembly concur), That said joint committee be requested to report its proceedings to the Legislature within ten days, together with all testimony taken by said joint committee, the number of days said joint committee has been in session, and an itemized account of expenses incurred by said joint committee, including fees of counsel,

wages of stenographer, clerk and messenger, and expenses of procuring witnesses, printing, etc., together with a statement of all moneys recovered by said committee on behalf of the State.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the bill entitled as follows :

"An act in relation to the police court and justices' court of the city of Troy."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. McCarthy offered the following :

*Resolved*, That the briefs, testimony and all necessary matters pertaining to the investigation of the contested election case of Cavanagh v. Jacobs be printed at once, for the use of the committee.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Starbuck moved that the bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness," be recommended to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature.'"

"An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same.'"

"An act to amend chapter 209 of the Laws of 1874, entitled 'An act to amend an act passed April 18, 1859, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,' passed April 12, 1858, to all the counties in this State.'"

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to confirm a certain deed made by the Border Mission Sabbath School of the city of Brooklyn, to the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn."

Assembly, "An act to alter the first and second judicial districts of the State, as established by chapter 241 of the Laws of 1847, entitled 'An act to divide the State into judicial districts, so as to conform the same

to the boundaries of the city of New York and of the county of Westchester, as now constituted by law.'"

"An act for the appointment of a commission to investigate the affairs of the State prisons of the State, and to prescribe the manner of such investigation."

After some time spent therein the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered for a third reading.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Jacobs moved that the Senate go into executive session.

Mr. Cole objected to the consideration of the motion.

The President ruled that the objection of Mr. Cole could not be entertained, the rules not requiring unanimous consent.

Mr. Cole appealed from the decision of the President.

After debate,

The President put the question, "Shall the decision of the chair stand as the judgment of the Senate," and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Sayre
Bradley	Kennaday	Robertson	Schoonmaker
Gerard	Loomis	Rogers	Starbuck
Hammond	Morrissey	St. John	15

#### FOR THE NEGATIVE.

Booth	Coleman	McCarthy	Tobey
Carpenter	Doolittle	Moore	Wagner
Cole	Harris	Selkreg	Woodin
			12

The President then put the question whether the Senate would agree to the motion of Mr. Jacobs, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Loomis	St. John
Bradley	Jacobs	Morrissey	Schoonmaker
Gerard	Kennaday	Rogers	Starbuck
			12

#### FOR THE NEGATIVE.

Booth	Doolittle	Prince	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	McCarthy	Sayre	Woodin
Coleman	Moore	Selkreg	15

Mr. Woodin moved that the Senate go into executive session, for the purpose of considering any new matter that may be presented therein.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened, and

On motion of Mr. Doolittle, the Senate adjourned.

## THURSDAY, FEBRUARY 10, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Selkreg presented a petition of Wm. E. Dodge and others, for the repeal of all laws relating to the re-organization of the State Inebriate Asylum; which was read and referred to the committee on finance.

Mr. Carpenter presented a petition of citizens of Stamford, Dutchess county, for the repeal of the law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

Mr. Bixby presented a petition of Theodore E. Tomlinson, for the exemption of the homestead from taxation, to the amount of \$5,000; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga," reported in favor of the passage of the same, with amendments.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended and said bill ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal an act entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' passed April 15, 1861," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to repeal chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' and in relation to committals to the police station in said village of West Troy," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to continue suits and actions," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Prince, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the Patriot

Orphan Home to convey certain real estate," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act for the improvement of Myrtle avenue in the city of Brooklyn,' passed June 21, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relative to the residence and domicile of public officers and employees in the city and county of New York," reported adversely thereto.

Mr. Gerard moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black Lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black Lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a statement of the State Treasurer in reference to a resolution of the Senate, relative to the payment of drafts or warrants by "any person assuming to act as Auditor" of the Canal Department, which was laid upon the table and ordered printed.

(See Doc. No. 39.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature.'"

"An act to amend chapter 236 of the Laws of 1875, entitled 'An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same.'"

"An act to amend chapter 209 of the Laws of 1874, entitled 'An act to amend an act passed April 18, 1859, entitled An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,' passed April 12, 1858, to all the counties in this State."

The Assembly sent for concurrence the bills entitled as follows :

"An act to facilitate the distribution of the property and effects of the Asbury Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village,' passed May 28, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence a resolution in the words following :

*Whereas*, Pursuant to concurrent resolution of the Legislature, passed in March, 1875, a joint committee of three Senators and three Members of Assembly was duly appointed to investigate and examine into the question of fraud or collusion between the State officers and the contractors in reference to the letting or prosecution of any contracts for work upon the canals then in force or finished, and the whole subject connected with the performance of such contracts, and all awards made by Canal Appraisers, with authority and power in said committee to employ counsel and a stenographer and to send for persons and papers, with liberty to report partially at any time, but with directions to report in full within thirty days; and,

*Whereas*, By concurrent resolution, adopted May 6, 1875, the time in which said joint committee was required to report was extended, and the said committee was directed to hold joint sessions during the recess of the Legislature, for the purpose of continuing and completing the investigation directed to be made, with authority to employ counsel, a stenographer, clerk and messenger, and power to send for persons and papers, with directions to report to the next Legislature; and,

*Whereas*, Said joint committee has not yet made its report; therefore  
*Resolved* (If the Senate concur) That said joint committee be requested to report its proceedings to the Legislature at as early a day as practicable, together with all the testimony taken by said joint committee, and the number of days in which the said joint committee has actually been in session.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturing,' passed May 2, 1864, as amended by chapter 563, Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act relating to children," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to prevent the injury or destruction of property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize persons jointly indicted to be witnesses for each other," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a Metropolitan Sanitary District and Board of Health therein, for the preservation of life and health, and to prevent the spread of disease, so far as relates to Queens county,' and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to enable the Hempstead and Jamaica Plank-road Company to improve their road, and to charge an increased rate of toll on such portions of the said road as shall be improved," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act extending the powers of the trustees of the village of Canandaigua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly bill entitled "An act to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present as follows:

FOR THE AFFIRMATIVE.

Bixby  
Carpenter

Gerard  
Hammond

Loomis  
McCarthy

St. John  
Sayre



Cole  
Coleman  
Doolittle

Harris  
Jacobs  
Kennaday

Moore  
Morrissey

Selkreg  
Woodin

18

## FOR THE NEGATIVE.

Prince

Starbuck

2

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 209 of the Laws of 1874, entitled 'An act to amend an act passed April 18, 1859, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,' passed April 12, 1858, to all the counties in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Carpenter  
Cole  
Coleman  
Doolittle

Gerard  
Hammond  
Harris  
Jacobs  
Kennaday  
Loomis

Moore  
Morrissey  
Prince  
Robertson  
Rogers  
St. John

Sayre  
Schoonmaker  
Selkreg  
Starbuck  
Woodin

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 236 of the Laws of 1875, entitled "An act to prohibit the throwing of cinders, ashes, refuse or garbage into the waters of Long Island Sound, and into the bays and harbors opening into the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Cole  
Coleman  
Doolittle  
Emerson

Gerard  
Hammond  
Harris  
Jacobs  
Kennaday  
Loomis

Moore  
Morrissey  
Prince  
Robertson  
Rogers  
St. John

Sayre  
Schoonmaker  
Selkreg  
Starbuck  
Wagner

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize and confirm the official acts of the supervisor, town clerk and justices of the peace of the town of Madrid, in the county of St. Lawrence, during the year 1872, in issuing the bonds of said town to the amount of \$750, for the purpose of completing the town hall in said town, and to legalize the vote of the

electors of said town, at their annual town meeting in 1872, authorizing the issuing of said bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Sayre
Carpenter	Hammond	Moore	Schoonmaker
Cole	Harris	Morrissey	Selkreg
Coleman	Jacobs	Prince	Starbuck
Doolittle	Kennaday	Robertson	Woodin 24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to alter the first and second judicial districts of the State as established by chapter 241 of the Laws of 1847, entitled 'An act to divide the State into judicial districts so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constituted by law,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	St. John
Bradley	Hammond	Moore	Sayre
Carpenter	Harris	Morrissey	Schoonmaker
Cole	Jacobs	Prince	Selkreg
Coleman	Kennaday	Robertson	Starbuck
Doolittle	Loomis	Rogers	Wagner
Emerson			25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm a certain deed made by the Border Mission Sabbath School of the city of Brooklyn, to the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	St. John
Bradley	Gerard	Morrissey	Schoonmaker
Carpenter	Harris	Prince	Selkreg
Cole	Jacobs	Robertson	Starbuck
Coleman	Kennaday	Rogers	Wagner
Doolittle	Loomis		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin moved to take from the table the resolution and proposed amendment thereto, in the words following:

*Whereas*, the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, on the 11th day of January, 1876; and

*Whereas*, His Excellency the Governor, on the 13th day of January last, nominated to the Senate Geo. W. Schuyler, for the office thus made vacant, which nomination the Senate rejected; and

*Whereas*, The Senate is informed that, in disregard of the judgment and action of the Senate, the person thus rejected is assuming to act as Auditor; therefore, with a view to such action as may be necessary,

*Resolved*, That his Excellency the Governor be, and he is hereby respectfully requested to inform this body whether it is his purpose to make any further nomination to the Senate for the office of Auditor of the Canal Department.

(Amendment proposed.)

*Whereas*, Francis S. Thayer resigned the office of Auditor of the Canal Department on the 11th day of January last; and

*Whereas*, His Excellency the Governor, on the 13th day of January, nominated to the Senate George W. Schuyler for the office of "Auditor, in the place of Francis S. Thayer, resigned," which nomination was duly rejected; and,

*Whereas*, The Senate is informed that, in disregard of this judgment and action of the Senate, the person thus rejected is assuming to act as Auditor; therefore, with a view to such action as may be necessary,

*Resolved*, That it is the judgment of the Senate that the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, and remains vacant until duly filled by a lawful appointment, upon the nomination of the Governor and confirmation by the Senate.

*Resolved*, That it is the further judgment of the Senate that the public interests require that the office of Auditor of the Canal Department should be filled without further delay.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

After debate,

Mr. Kennaday moved that the preamble of the amendment be amended by striking out the words "in disregard of," and inserting in lieu thereof the word "notwithstanding."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the proposed amendment of Mr. Woodin, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Carpenter	Harris	Robertson	Tobey
Cole	McCarthy	Rogers	Wagner
Coleman	Moore	Sayre	Woodin
Doolittle			

## FOR THE NEGATIVE.

Bradley	Jacobs	Morrissey	Schoonmaker
Gerard	Kennaday	St. John	Starbuck
Hammond	Loomis		

10

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Carpenter	Harris	Robertson	Tobey
Cole	McCarthy	Rogers	Wagner
Coleman	Moore	Sayre	Woodin
Doolittle			

17

## FOR THE NEGATIVE.

Bradley	Jacobs	Morrissey	Schoonmaker
Gerard	Kennaday	St. John	Starbuck
Hammond	Loomis		

10

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act for the appointment of a commission to investigate the affairs of the State prisons of the State, and to prescribe the manner of such investigation."

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof, or relating to the city of Rochester."

After some time spent therein, the President resumed the chair, and Mr. Loomis from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act to provide for a commission to investigate the affairs of the State prisons of this State, and to prescribe the manner of such investigation," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and the last named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Cole	Hammond	Morrissey	Starbuck
Coleman	Harris	Prince	Tobey
Doolittle	Kennaday	Robertson	Vedder
Emerson	Loomis	Rogers	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Kennaday, the Senate adjourned.

FRIDAY, FEBRUARY 11, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations, for the year ending September 30, 1876," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the Secretary of State in response to resolution of the Senate, relative to contract for legislative printing, which was laid on the table and ordered printed.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act for the improvement of the navigation of the Hudson river and to make an appropriation therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Bradley offered the following :

*Resolved*, That the preamble and resolutions recently adopted by the Senate, of which the following is a copy, be addressed to the Governor and transmitted to him :

*Whereas*, Francis S. Thayer resigned the office of Auditor of the Canal Department on the 11th day of January last; and

*Whereas*, His Excellency the Governor, on the 13th day of January, nominated to the Senate Geo. W. Schuyler, for the office of "Auditor, in the place of Francis S. Thayer, resigned," which nomination was duly rejected; and

*Whereas*, The Senate is informed that, notwithstanding this judgment and action of the Senate, the person thus rejected is assuming to act as Auditor, therefore, with a view to such action as may be necessary,

*Resolved*, That it is the judgment of the Senate that the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, and remains vacant until duly filled by a lawful appointment, upon the nomination of the Governor and confirmation by the Senate.

*Resolved*, That it is the further judgment of the Senate that the public interests require that the office of Auditor of the Canal Department should be filled without further delay.

After debate,

Mr. Rogers moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to county treasurers,"

"An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay."

"An act to repeal chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' and in relation to committals to the police station in said village of West Troy."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Bixby, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the resolutions of the board of supervisors of Onondaga county against the passage of the bill providing for a recorder's court in the city of Syracuse, and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend part 1, chapter 11, title 3, article 2, sections 21 and 22, of the Revised Statutes, in relation to constables," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the presiding judge or justice of courts of Oyer and Terminer to grant new trials," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 6, article 3, title 3, part 1, of the Revised Statutes, Of elections in cities and towns," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize persons jointly indicted to be witnesses for each other, reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to evidence in criminal cases," and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester."

"An act to provide for a commission to investigate the affairs of the State prisons of this State, and to prescribe the manner of such investigation."

Mr. Loomis, from the committee on public printing, presented the following report:

The committee on printing, to whom was referred the subject of adopting the Acme file for the use of the Senate, respectfully report that we have examined said file, and think it inexpedient to change the files now in use during the present session of the Senate.

But we recommend the adoption and use of the said Acme file by the Senate, at its next annual session.

Dated *January 11, 1876.*

D. P. LOOMIS,  
B. DOOLITTLE,  
*Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

By unanimous consent, Mr. Selkreg moved that when the Senate adjourns to-day, it adjourn to meet on Monday evening next at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Schoonmaker moved to take from the table the resolution of Mr. Bradley, directing the transmission to the Governor of the resolution relative to the office of the Auditor of the Canal Department.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden."

"An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871."

Assembly, "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

"An act relating to the payment of assessments for local improvements in the city of New York."

"An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend An act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, and the repeal of chapter 735 of the Laws of 1865 amendatory of chapter 577 of the Laws of 1864.'"

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that said bill be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Sayre, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the Assembly bill entitled "An act to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga," with a message that they had concurred in the amendments of the Senate made thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to legalize and confirm the acts of Samuel H. Corwin, Abram Van Nest Powellson, William H. Stoddard, and Harrison Bull, justices of the peace of the town of Wallkill, Orange county, and to enable them to file their official bonds."

"An act further to amend chapter 681 of the Laws of 1873, entitled 'An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Doolittle moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Cole	Emerson	Robertson	Selkreg
Coleman	Harris	Rogers	Tobey
Doolittle	Moore	Sayre	11

FOR THE NEGATIVE.

Bixby	Hammond	Loomis	St. John
Bradley	Kennaday	Morrissey	Schoonmaker
Gerard			9

Whereupon the Senate adjourned.



## MONDAY, FEBRUARY 14, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 11, was read and approved.

The Assembly sent for concurrence the bills entitled as follows :

"An act to provide for the election of an additional justice of the peace in the town of Harmony and county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Maritime Association of the Port of New York,' passed April 11, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Gerard presented a petition for the exemption of household furniture from seizure under execution, to the amount of \$1,000, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to incorporate united medical societies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 821 of of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858,' passed April 18, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors in the county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg offered the following :

*Resolved*, That the Secretary of State and Comptroller be requested to furnish the Senate, as early as practicable, a complete comparative statement, in detail, showing what all the printing ordered and performed as legislative printing, for the years 1874 and 1875, so far as bills for the same have been rendered would amount to under the detailed bids recently made by the Argus Co., Weed, Parsons & Co., Van Benthuysen & Sons, H. J. Hastings and J. B. Parmenter & Co. Also, what the above named printing, &c., would amount to, if done under the contract just made with J. B. Parmenter & Co., estimating the work to be done in the same type, manner and style, and with the same amount of mapping, extra fine paper, binding, &c., as was used and placed in the printing of said years 1874 and 1875.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

Assembly, "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1876."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Rogers, the Senate adjourned.

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## TUESDAY, FEBRUARY 15, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Booth presented a petition of citizens of New York and Brooklyn for the repeal of all laws relating to the reorganization of the New York State Inebriate Asylum; which was read and referred to the committee on finance.

Mr. Moore presented a petition of the voters of Stockholm, St. Lawrence county, for a reduction of salaries of State and county officers, which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the sixteenth section of title 6 of chapter 2 of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden."

"An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and

Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871."

"An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864.'"

"An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay."

"An act to repeal chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' and in relation to committals to the police station in said village of West Troy."

Mr. Selkreg, from the committee on poor laws, to which was referred the bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the bill entitled "An act to protect butter and cheese manufacturers," passed May 2, 1864, as amended by chapter 563 of Laws of 1869, reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the Canal Investigating Commission, which was laid upon the table and ordered printed.

Mr. Woodin moved that said report be referred to the committee on printing, for the purpose of inquiring as to how many copies have been printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows :

"An act authorizing Jeffrey T. Thomas, assessor of the town of Sheldon, county of Wyoming, to qualify as such during his term of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to authorize the appointment of a clerk to surrogates' courts, and establish his compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act relative to the lien of inn-keepers, hotel-keepers, and boarding-house keepers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868 and chapter 360 of the Laws of 1871,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	St. John
Booth	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Cole	Loomis	Robertson	Wagner
Coleman	McCarthy	Rogers	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black Lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Schoonmaker
Booth	Gerard	Morrissey	Selkreg
Carpenter	Harris	Prince	Wagner
Cole	Loomis	Robertson	Wellman
Coleman	McCarthy	St. John	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' and in relation to commitments to the police station in said village of West Troy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	St. John
Booth	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Moore	Selkreg
Carpenter	Hammond	Morrissey	Wagner
Cole	Harris	Prince	Wellman
Coleman	Jacobs	Robertson	

. 23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State, and to prescribe the manner of such investigation," having been announced for a third reading,

On motion of Mr. Bradley, and by unanimous consent, the title was amended by inserting, after the words "of this State," the words "and the State Reformatory at Elmira."

On motion of Mr. Rogers, and by unanimous consent, said bill was amended by striking out, in the sixteenth section the words "shall report to the Legislature, and also to the Governor, on or before the 15th day of April, 1876, the testimony taken up to that date, together with such recommendations in respect to the same as they shall deem warranted by the facts, and the said commission." Also the words "not included in the report above provided for," in same section.

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended by striking out the word "fifteen," in section 15, and inserting in lieu thereof the word "twenty."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	St. John
Booth	Hammond	Morrissey	Schoonmaker
Bradley	Harris	Prince	Wagner
Coleman	Jacobs	Robertson	Wellman
Doolittle	Loomis	Rogers	Woodin
Emerson	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Gerard	Moore	Schoonmaker

Bradley	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Wagner
Cole	Jacobs	Robertson	Wellman
Coleman	Loomis	Rogers	Woodin
Doolittle			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

Baaden	Hammond	Moore	St. John
Carpenter	Harris	Morrissey	Schoonmaker
Cole	Jacobs	Prince	Selkreg
Coleman	Loomis	Robertson	Wellman
Emerson	McCarthy	Rogers	Woodin
Gerard			

21

Mr. Schoonmaker moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows :

Add at the end of § 3 the following :

"And bonds redeemed, exchanged, or paid by such treasurer shall be cancelled and destroyed by him in the presence of three supervisors of said county, to be appointed by the chairman of the board, and a certificate of the bonds so destroyed, containing the numbers and amounts of such bonds shall be made and subscribed by such treasurer and supervisors, and filed in the clerk's office of such county.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	St. John
Carpenter	Harris	Morrissey	Schoonmaker
Cole	Jacobs	Prince	Selkreg
Coleman	Loomis	Robertson	Wellman
Emerson	McCarthy	Rogers	Woodin
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	McCarthy	St. John
Bixby	Doolittle	Moore	Schoonmaker
Booth	Emerson	Morrissey	Selkreg
Bradley	Hammond	Prince	Wellman
Carpenter	Harris	Robertson	Woodin
Cole	Loomis	Rogers	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled the Military Code,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof, three-fifths being present, and two-thirds of all the Senators present concurring therein, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Robertson
Bixby	Doolittle	McCarthy	Rogers
Booth	Emerson	Moore	St. John
Bradley	Gerard	Morrissey	Schoonmaker
Cole	Jacobs	Prince	Wellman

20

## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin offered the following :

*Whereas*, It appears that applications for the aid of the national government, in the form of money, credit, bonds or indorsements of the bonds of private corporations, are now pending in the Congress of the United States, to an amount exceeding \$500,000,000, for the purpose of promoting schemes of canals, railroads or other internal improvements, the value and utility of which are at least doubtful, and which are not demanded for present commercial, military or national reasons ; and,

*Whereas*, It also appears that important committees of the said Congress are now seriously considering the propriety of recommending the appropriate legislation whereby the United States will be committed to a guaranty or indorsement of the interest payments upon the bonds or promissory obligations of certain railroad corporations, amounting in the aggregate to about \$250,000,000 in gold, for the purpose of constructing a railroad line from north-eastern Texas to the Pacific ocean, near the 32d parallel of latitude, with numerous branches thereof, amounting to over 3,000 miles, and that this encouragement given to this class of proposals tends constantly to swell the number and extent

of such applications, and is giving rise to many schemes of like questionable character, which have failed to secure the approval of private capitalists, and which, by their combined influence and support, embarrass, retard and interfere with the proper subjects of legislation; be it

*Resolved* (If the Assembly concur), That it is unwise, impolitic and dangerous, at this time of depressed trade and heavy financial burdens, for Congress to embark the country upon such gigantic works, and thereby invite other and further demands for national assistance, to the detriment of the people and good government, and that our Senators and Representatives in Congress be requested to use all proper influences to counteract and defeat such attempts, and that the Secretary of State be instructed to forward without delay a copy hereof to each of them.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Schoonmaker
Booth	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Tobey
Carpenter	Jacobs	Robertson	Wellman
Cole	Loomis	Rogers	Woodin
Coleman			

25

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said resolution to the Assembly immediately and request their concurrence therein.

Mr. Woodin moved to take from the table the report of the committee on rules. (See page 146 to 153, Journal.)

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Harris, and by unanimous consent, said report was amended as follows:

Rule 16, subdivision 2, strike out the word "seven," and insert the word "five." Same rule, subdivision 3, strike out the word "five," and insert the word "seven."

On motion of Mr. Woodin, and by unanimous consent, said report was amended as follows:

Rule 16, subdivision 24, strike out the words "On charitable and religious societies and corporations generally," and insert "Miscellaneous corporations." Rule 26, strike out "24th," and insert "23d."

On motion of Mr. Rogers, and by unanimous consent, said report was amended as follows:

Rule 47, strike out the words "standing," second occurring therein.

Also, strike out all after the word "Assembly," in Rule 25. Also, in Rule 30, strike out "34th," and insert "33d."

The President put the question whether the Senate would agree to said report, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg



Booth	Hammond	Morrissey	Tobey
Bradley	Harris	Prince	Wagner
Carpenter	Jacobs	Robertson	Wellman
Cole	Loomis	Rogers	Woodin
Doolittle			

25

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

“An act in relation to county treasurers.”

“An act to authorize the Patriot Orphan Home to convey certain real estate.”

“An act relating to the payment of assessments for local improvements in the city of New York.”

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Hammond, the Senate adjourned.

### WEDNESDAY, FEBRUARY 16, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented a resolution of the common council of the city of New York, for the restoration to the board of aldermen of the power to confirm or reject nominations of the mayor of said city ; which was read and referred to the committee on the affairs of cities.

Also, a resolution of the common council of the city of New York, requesting the enactment of a law providing that all back taxes may be discharged on payment of the same at seven per cent interest, within one year after the passage of the law ; which was read and referred to the committee on the affairs of cities.

Also, a communication from the Grand Inquest of the county of New York, relative to a presentment made to the court of General Sessions ; which was read and referred to the committee on the judiciary.

Mr. Moore presented a petition of citizens of Potsdam, in the county of St. Lawrence, for the repeal of the law exempting clergymen, church property and private schools from taxation ; which was read and referred to the committee on finance.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled “An act to repeal an act entitled ‘An act in relation to the opening, widening and extending of streets, avenues and

public places in the city of New York,' passed May 20, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to further amend chapter 551 of the Laws of 1865, entitled 'An act to incorporate the city of Newburgh;,' also, to amend chapter 551 of the Laws of 1872; also, to amend chapter 326 of the Laws of 1875, entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh;,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommended the Assembly bill entitled "An act to provide for the employment of convicts and paupers under the control of the Commissioners of Public Charities and Correction of the city and county of New York, and the Commissioners of Public Charities of the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Morrissey dissenting.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an additional section to the sixth article of the Constitution, consolidating the Court of Common Pleas, the Superior Court and the Supreme Court, in the city of New York, reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors, in the county of Westchester;,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village,' passed May 28, 1873," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village;,' and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommended the Assembly bill entitled "An act to amend § 44, article 4,

title 6, chapter 5, part 1 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend §§ 44 and 48, article 4, title 6, chapter 5, part 1 of the Revised Statutes, relative to removal of county officers," and said bill committed to the committee of the whole.

The President presented the report of the commissioners to revise the statutes, submitting to the Legislature the accompanying draft of a temporary act, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to legalize the official acts Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act in relation to the Shelter Island Grove and Camp Meeting Association of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to create a board of railroad commissioners, and to regulate their powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act authorizing the adjudication and settlement of certain claims arising out of the defalcations of the late treasurer of Monroe county, with this State and the said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to the payment of assessments for local improvements in the city of New York."

"An act to authorize the Patriot Orphan Home to convey certain real estate."

The bill entitled "An act releasing all the right, title, and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Vedder
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Robertson	Wellman
Cole	Jacobs	Rogers	Woodin
Coleman	Kennaday	Schoonmaker	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Patriot Orphan Home to convey certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Booth	Harris	Moore	Vedder
Carpenter	Jacobs	Prince	Wagner
Cole	Kennaday	Robertson	Wellman
Coleman	Loomis	Rogers	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Kennaday	Rogers
Booth	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Wagner
Carpenter	Hammond	Moore	Wellman
Cole	Harris	Prince	Woodin
Coleman	Jacobs	Robertson	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bradley moved to take from the table the resolution in the words following :

*Resolved*, That the preamble and resolutions recently adopted by the Senate, of which the following is a copy, be addressed to the Governor and transmitted to him :

*Whereas*, Francis S. Thayer resigned the office of Auditor of the Canal Department on the 11th of January; and

*Whereas*, His Excellency the Governor, on the 13th of January, nominated to the Senate Geo. W. Schuyler, in place of Francis S. Thayer, resigned, which nomination was duly rejected; and,

*Whereas*, The Senate is informed that, notwithstanding this judgment and action of the Senate, the person thus rejected is assuming to act as Auditor; therefore, with a view to such action as may be necessary,

*Resolved*, That it is the judgment of the Senate that the office of Auditor of the Canal Department became vacant by the resignation of Francis S. Thayer, and remains vacant until duly filled by a lawful appointment, upon the recommendation of the Governor and confirmation of the Senate.

*Resolved*, That it is the further judgment of the Senate that the public interests require that the office of Auditor of the Canal Department should be filled without delay,

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Jacobs	Loomis	9
Bradley	Hammond	Kennaday	Schoonmaker	
Emerson				

## FOR THE NEGATIVE.

Baaden	Coleman	Moore	Wagner	15
Booth	Doolittle	Prince	Wellman	
Carpenter	Harris	Robertson	Woodin	
Cole	McCarthy	Rogers		

Mr. Bixby offered the following :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of a bill entitled "An act in relation to the court of general sessions of the peace in and for the city and county of New York," and that said bill be committed to the committee on the affairs of cities.

Mr. Robertson moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

Assembly, "An act to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the said named bill, which report was agreed to, and the same ordered to a third reading.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That when this Legislature adjourns on Friday, February 18, it be to meet on Wednesday evening, February 23d, at 7½ o'clock.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

Mr. Woodin moved to amend the resolution by striking out the words "Wednesday, February 23d," and inserting the words "Monday February 28th."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Carpenter	Gerard	Rogers	16
Bixby	Cole	Kennaday	Vedder	
Booth	Coleman	Loomis	Wellman	
Bradley	Doolittle	Moore	Woodin	

## FOR THE NEGATIVE.

Emerson	Jacobs	Robertson	Schoonmaker	10
Hammond	McCarthy	St. John	Wagner	
Harris	Prince			

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same.

"An act to amend chapter 520 of the Laws of 1870, entitled 'An act to establish and maintain a police force in the city of Troy,' and to increase the powers and duties of the police commissioners of said city."

"An act to release the interest of the people of the State of New York in certain real estate to Jasper Robertson.

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution requesting Senators and Representatives in Congress from this State to "counteract and defeat" any attempt to commit the United States to a guaranty or indorsement of any bonds of private corporations, for promoting schemes for canals, railroads, or other internal improvements, with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Secretary of State.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September 30, 1876."

*Ordered*, that the Clerk return said bill to the Assembly.

Mr. Bradley moved to take from the table the resolution in the words following :

*Resolved* (If the Assembly concur), That the Legislature adjourn *sine die*, Friday, 17th day of March, 1876.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bradley	Jacobs	Rogers	Schoonmaker
Gerard	Kennaday	St. John	Wagner
Hammond	Loomis		
			10

#### FOR THE NEGATIVE.

Baden	Coleman	McCarthy	Vedder
Booth	Doolittle	Moore	Wellman
Carpenter	Emerson	Robertson	Woodin
Cole	Harris		
			14

Mr. Hammond moved that the Senate resume the consideration of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act in relation to county treasurers."

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

The hour of twelve o'clock having arrived, the Senate went into executive session ; and, after some time spent therein, the doors were opened,

and the Senate again resolved itself into a committee of the whole upon the bill entitled as follows:

"An act in relation to county treasurers."

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

On motion of Mr. Harris, the Senate adjourned.

## THURSDAY, FEBRUARY 17, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Gerard presented a petition of citizens of New York, for the repeal of all laws relating to the re-organization of the New York State Inebriate Asylum; which was read and referred to the committee on finance.

The Assembly returned the Assembly bill entitled "An act to provide for the payment of a portion of the whole of the bounty debt of the county of Greene, by issuing new bonds," with a message that they had non-concurred in the amendment of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Strahan, McKee, Graff, Morss and Tabor.

Mr. Schoonmaker moved to non-concur in the request for a committee of conference, and that the Senate recede from its amendment to the said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Rogers	Wagner
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have receded from their amendment thereto.

The Assembly returned the bill entitled "An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county," with a message that they had passed the same with the following amendment:

§ 1, line 1, after the word "of," strike out the word "the," and insert the word "every," in lieu thereof.

§ 1, line 2, after the word "poor," strike out the word "of," and insert the words in lieu thereof, "hereafter elected in."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Sénate voting in favor thereof and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Birby	Hammond	Morrissey	Starbuck
Bradley	Harris	Prince	Vedder
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle	McCarthy	Schoonmaker	27

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act in relation to the surplus funds of the town of Unadilla, in Otsego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to create a Metropolitan Sanitary District and Board of Health' therein, for the preservation of life and health, and to prevent the spread of disease," passed February 26, 1866" (chapter 74, Laws of 1866), which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to provide for the maintenance, support and government of the poor in Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



The Assembly bill entitled "An act to amend chapter 83 of the Laws of 1869, entitled 'An act to provide for the improvement of Grass river, and of the water power thereon, and to check freshets therein,' passed March 31, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Starbuck	
Bixby	Jacobs	Prince	Vedder	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	Rogers	Wellman	
Gerard	McCarthy	St. John	Woodin	23
Hammond	Moore	Selkreg		

*Ordered.* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to county treasurers."

Assembly, "An act to amend §§ 44 and 48, article 4, title 6, chapter 5, part 1 of the Revised Statutes, relative to removal of county officers."

"An act to amend part 1, chapter 11, title 3, article 2, §§ 21 and 22 of the Revised Statutes, in relation to constables."

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Woodin moved that said bill be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials."

"An act in relation to evidence in criminal cases."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county."

Mr. Loomis, from the committee on public printing, to which was referred the matter of printing the report of the Canal Investigating Commission, reported that the committee have had the same under consideration, and have directed their chairman to make the following report:

The undersigned committee on printing, to whom was referred the matter of printing the report of the Canal Investigating Commission, with the testimony taken by them, respectfully report; that said report, as printed, is not properly numbered and prefaced, and is not bound, and is not printed in sufficient numbers to conform to the rule. We, therefore, recommend that 800 copies of said report and testimony be printed in the usual way for the use of the Legislature.

Dated *February 17*, 1876.

W. WAGNER,  
B. DOOLITTLE,  
D. P. LOOMIS,  
*Committee.*

Mr. Rogers moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Tobey, the Senate adjourned.

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## FRIDAY, FEBRUARY 18, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Loomis presented a petition of tax-payers of the town of German Flats, that election district number one of said town be made a separate excise district; which was read and referred to the committee on internal affairs.

Mr. Selkreg presented three petitions of members of the medical profession in the city of New York, for the repeal of all laws relating to a re-organization of the State Inebriate Asylum; which were read and referred to the committee on finance.

Mr. Starbuck presented two remonstrances of the judges and lawyers of Lewis county, and also Jefferson county, against redistricting the State; which were read and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin offered the following:

*Resolved* (if the Assembly concur), That when the Senate adjourn this day, it adjourn to meet on Monday evening, at 7½ o'clock, February 28th. And that when the Assembly adjourns to-day, it adjourns to meet on Wednesday, February 23d, at 7½ P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg	
Bixby	Gerard	McCarthy	Starbuck	
Carpenter	Jacobs	Moore	Vedder	
Cole	Kennaday	Morrissey	Wellman	
Coleman	Lamont	Rogers	Woodin	20

## FOR THE NEGATIVE.

Bradley	Hammond	Prince	St. John	
Emerson	Harris	Robertson	Schoonmaker	8

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the clerk was ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend part 1, chapter 11, title 3, article 2, §§ 21 and 22, of the Revised Statutes, in relation to constables."

"An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials."

"An act in relation to evidence in criminal cases."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to secure more reliable and complete information concerning the financial and social condition of the several cities and villages of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to amend chapter 817, entitled 'An act to regulate the practice of pharmacy and sale of poisons in the city and county of New York,' passed May 22, 1872," with power to report complete, reported the same complete, with amendments, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases,' passed May 11th, 1874," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women, in insuring the lives

of their husbands, passed April 14, 1858,' passed April 18, 1870,' reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of Wm. Laimbeer, praying that James N. Gerard may be declared ineligible to the office of Senator, for the reason that he was an inspector of common schools in the city of New York at the time of his election, and that the seat which he occupies may be awarded to the petitioner, reported adversely thereto, and recommend the adoption of the following preamble and resolution:

*Whereas*, In the judgment of the Senate, an inspector of common schools in the city of New York is not an officer under the city government within the meaning of the 8th section of the third article of the Constitution of this State; therefore,

*Resolved*, That the prayer of the petitioner be denied.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to extend the provisions of the act, chapter 381, of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplemental to chap. 80, Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof," and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act supplemental to chapter 80 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies, and the acts supplementary thereto,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to provide for the reporting of persons in the various benevolent institutions of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the reporting of persons

in the various State benevolent institutions of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That article IX of the Constitution be amended by the addition of the following sections:

§ 2. The State shall maintain a system of common schools, which shall be free forever. The Legislature shall provide for the instruction in the branches of rudimentary education, for the period of at least twenty-eight weeks in each year, of all persons in the State between the ages of five and twenty-one years, by annually raising therefor, by tax upon the real and personal estate in the respective counties, a sum of not less than three million of dollars.

§ 3. Neither the money nor the credit of the State, nor of any county, town or municipal corporation, shall be given or loaned to, or be otherwise applied to the support of, any school or schools under the control of any religious sect or denomination, or to any school or schools not wholly the property of the State, or of the county, city, town or village in which they are located.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the bill entitled "An act to fix the compensation of the overseer of the poor of the town of Rhinebeck, in Dutchess county."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the bill entitled as follows:

"An act to extend the time for the collection of taxes in the village of Edgewater, and for advertising the sale of lands for unpaid taxes in said village," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Prince	Starbuck
Carpenter	Loomis	Robertson	Vedder
Cole	McCarthy	Rogers	Wellman
Doolittle	Moore	St. John	Woodin
Hammond			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend § 31 of title 2 of article 3 of chap-

ter 31 of the Revised Statutes, relating to the equalization of assessments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act in relation to the district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend chapter 3, part 2 of the Revised Statutes, in relation to the recording of mortgages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to facilitate the settlement of bills of exception in criminal actions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to build a sewer along Beaver creek, in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act in relation to certain streets in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Green Island, and for other purposes,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend § 27 of article 2, title 4, chapter 5, part 1 of the Revised Statutes, in relation to coroners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts of Charles A. Dolson, as notary public in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Doolittle asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund

for the year 1876, and to prescribe the manner in which the voters of said city shall signify their assent thereto," was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Coleman	Jacobs	Morrissey
Booth	Doolittle	Kennaday	St. John
Bradley	Emerson	Loomis	Selkreg
Carpenter	Gerard	McCarthy	Wellman
Cole	Hammond	Moore	Woodin
			20

FOR THE NEGATIVE.

Robertson	Schoonmaker	Starbuck	Vedder
Rogers			5

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act constituting the first election district in the town of German Flats, in the county of Herkimer, a separate excise district, and authorizing the election of commissioners of excise thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to amend an act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to amend chapter 423 of the Laws of 1875, entitled 'An act to regulate investments by insurance companies,' passed May 24, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The Assembly returned the concurrent resolution relative to adjournment of the Senate until Monday, February twenty-eighth, and of the Assembly to Wednesday, February twenty-third, with a message that they had concurred in the same without amendment.

The bill entitled "An act to amend part 1, chapter 11, title 3, article 2, sections 21 and 22 of the Revised Statutes, in relation to constables," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Booth	Gerard	Loomis	Schoonmaker
Bradley	Hammond	McCarthy	Selkreg

Carpenter	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	St. John	Woodin
Emerson	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	Loomis	Schoonmaker
Bradley	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Woodin
Doolittle	Lamont	St. John	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to evidence in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Gerard	Moore	Selkreg
Carpenter	Kennaday	Morrissey	Starbuck
Cole	Lamont	St. John	Woodin
Coleman	Loomis		

18

## FOR THE NEGATIVE.

Bradley	Emerson
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2

On motion of Mr. Starbuck and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately and request their concurrence therein.

The Assembly bill entitled "An act to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Booth	Jacobs	Robertson	Starbuck
Bradley	Kennaday	Rogers	Vedder
Carpenter	Loomis	St. John	Wellman



Coleman	McCarthy	Schoonmaker	Woodin	22
Doolittle	Moore			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Lamont	Prince	
Booth	Emerson	Loomis	Robertson	
Bradley	Gerard	McCarthy	St. John	
Carpenter	Jacobs	Moore	Selkreg	
Cole	Kennaday	Morrissey	Woodin	20

## FOR THE NEGATIVE.

Rogers	Schoonmaker	2
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Mr. Emerson moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	St. John	
Booth	Gerard	Morrissey	Schoonmaker	
Bradley	Jacobs	Prince	Selkreg	
Carpenter	Lamont	Robertson	Starbuck	
Cole	Loomis	Rogers	Woodin	
Coleman				21

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows:

Add after the word "poor," in section 1, line 9, engrossed bill, the words "who shall hold office for two years."

Same section, lines 11 and 12, strike out the words "one chief engineer, one or more assistant engineers."

Same section, line 13, strike out the words "and one clerk of the markets."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Lamont	St. John
Booth	Emerson	Loomis	Selkreg
Bradley	Gerard	McCarthy	Vedder
Carpenter	Harris	Morrissey	Wellman
Cole	Jacobs	Prince	Woodin
Coleman	Kennaday		

## FOR THE NEGATIVE.

Schoonmaker      Starbuck

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Vedder moved to take from the table the resolution in the words following :

*Resolved*, That George Martinus be and he hereby is appointed superintendent of mail and express matter for the present session, and that he receive the same *per diem* and mileage compensation now by law authorized and paid to the assistant postmaster of the Senate for the session of 1876, and that the said compensation be paid in the same manner that other officers of the Senate are paid.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	St. John
Bixby	Gerard	Morrissey	Schoonmaker
Booth	Kennaday	Prince	Selkreg
Carpenter	Loomis	Robertson	Tobey
Cole	McCarthy	Rogers	Wellman
Coleman			

21

## FOR THE NEGATIVE.

Bradley	Hammond	Lamont	Starbuck
Emerson	Harris		

6

Mr. Emerson called from the table the concurrent resolution in the words following :

*Resolved* (if the Assembly concur), That section 11 of article 8 of the Constitution be amended so as to read as follows :

"SECTION 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose, or in any manner, to an amount which, including existing indebtedness, shall exceed five per cent of the assessed valuation of the real estate of such county or city, subject to taxation as it appeared by the assessment rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness, and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds five per cent of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit, except such indebtedness as may be provided for by the tax levy for the then current year ; except that the Legislature, if it is deemed necessary for the interest of such city or county, may authorize

it to contract further indebtedness to an amount not exceeding, for any one year, one dollar *per capita* of each of its population, as ascertained by the last State census, and for a period not exceeding five years in any case. No county or city, whose present indebtedness exceeds such five per cent as aforesaid, shall be allowed to extend or renew any of such indebtedness until it is reduced within such limit. No law shall hereafter be passed authorizing any indebtedness of, or the issuing of, any bonds or evidence of debt by any county or city unless such law shall provide that such indebtedness, bonds or evidence of debt shall be made payable in equal amounts in each year during a period not in any case to exceed twenty years from the contracting of such indebtedness, and such law shall provide that such city or county shall in each year levy and raise by taxation a sum sufficient to pay the interest on such debt, and the amount thereof coming due in each year, which said provisions, as to time of payment and the taxation therefor, shall be irrepealable. The money raised for the payment of such interest and principal shall be applied for that purpose and none other, until the whole of such indebtedness is paid."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Prince moved that said resolution be committed to the committee of the whole and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved to take from the table the resolution in the words following:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die* Friday, 17th day of March, 1876.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Gerard	Kennaday	St. John
Cole	Hammond	Morrissey	Schoonmaker
Doolittle	Jacobs	Rogers	Starbuck
			12

#### FOR THE NEGATIVE.

Baaden	Coleman	McCarthy	Selkreg
Bixby	Harris	Moore	Vedder
Booth	Lamont	Prince	Wellman
Carpenter	Loomis	Robertson	Woodin
			16

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution as follows:

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe keeping, and the duties of the State commissioner in lunacy.'"

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of the State be amended by adding thereto the following section:

"SECTION 29. On the first day of January, 1879, the court of common pleas for the city and county of New York, and the superior court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of, the supreme court; and any judicial power as a county judge, and any other special authority and jurisdiction now vested in either of the courts hereby abolished, or in any or either of the judges thereof shall vest in the justices of the supreme court for the first department, to be exercised in such manner and under such limitations as the Legislature may prescribe; or, so long as the Legislature shall not have acted, then in such manner and under such limitations and regulations as the general term for such first department shall from time to time prescribe; and thereupon the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions, and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the supreme court for the first department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the supreme court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of the State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York. The general term of the first department shall hereafter consist of five justices, of whom three may constitute a quorum, all of whom shall be designated in the manner in which general term justices are now, or shall hereafter be authorized by law to be designated."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that, in conformity to section first of article thirteenth of the Constitution, it be published for three months previous to the time of such election.

"An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester.'"

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund for the year 1876, and to prescribe the manner in which the voters of said city shall signify their assent thereto."

On motion of Mr. Rogers, and by unanimous consent, the bill entitled "An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treat-

ment and safe keeping, and the duties of the State commissioner in lunacy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Booth	Doolittle	McCarthy	St. John
Bradley	Gerard	Moore	Schoonmaker
Carpenter	Harris	Prince	Selkreg
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wellman

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Mr. Rogers moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Schoonmaker
Booth	Gerard	Prince	Selkreg
Bradley	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wellman
Cole	Loomis	St. John	Woodin
Coleman	McCarthy		

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On motion of Mr. Rogers, and by unanimous consent, said bill was amended by adding the following section:

"§ 5. This act shall take effect immediately."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Booth	Gerard	Prince	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Vedder
Cole	Loomis	Sayre	Wellman
Coleman	Moore	Schoonmaker	Woodin
Doolittle			

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city."

"An act to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office."

"An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of

the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Vedder, the Senate adjourned.

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## MONDAY, FEBRUARY 28, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, February 18, was read and approved.

Mr. Gerard presented a petition of the judges of the courts of the city of New York, for the passage of a bill as to jurors in New York city; which was read and referred to the committee on the judiciary.

Also, a petition relative to assessment and other bonds in the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Sayre presented a petition of the common council of the city of Utica relative to drainage under the Erie canal; which was read and referred to the committee on canals.

Mr. Bradley presented a petition of citizens of the town of Hornby, county of Steuben, for repeal of the law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

By unanimous consent, Mr. Schoomaker asked and obtained leave to introduce a bill entitled "An act in relation to proceedings under title 1, chapter 5, of part 2, of the Revised Statutes for the discharge of insolvent or imprisoned debtors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 77 of the Laws of 1870, as amended by act chapter 144 of the Laws of 1872, relative to ward boundaries in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend section 7, of chapter 833, entitled 'An act in relation to the benevolent fund of the late Volunteer Fire Department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the pur-

pose of raising funds with which to pay the bonds of said town heretofore issued by virtue of said act of 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to provide for the election of an additional justice of the peace in the town of Boston, in the county of Tioga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act in relation to jurors in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to reorganize the Senate districts of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the select committee on apportionment.

Mr. Hammond moved that said bill be printed, pending its consideration by said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester.'"

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the Asylums for their treatment and safe keeping, and the duties of the State commissioner in lunacy.'"

Mr. Harris called from the table the Assembly concurrent resolution, in the words following:

*Resolved* (if the Senate concur), That article IX of the Constitution be amended by the addition of the following sections:

§ 2. The State shall maintain a system of common schools, which shall be free forever. The Legislature shall provide for the instruction in the branches of rudimentary education, for the period of at least twenty-eight weeks in each year, of all persons in the State between the ages of five and twenty-one years, by annually raising therefor, by tax upon the real and personal estate in the respective counties, a sum of not less than \$3,000,000.

§ 3. Neither the money nor the credit of the State, nor of any county, town or municipal corporation, shall be given or loaned to, or be otherwise applied to the support of any school or schools under the control of any religious sect or denomination, or to any school or schools not

wholly the property of the State, or of the county, city, town or village in which they are located.

*Resolved* (if the Senate concur), That the foregoing amendments be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Harris moved that said resolution be committed to the committee of the whole and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 6, article 3, title 3, part 1 of the Revised Statutes, of elections in cities and towns."

"An act to amend chapter 563 of the Laws of 1869, entitled 'An act to protect butter and cheese manufacturers,' passed May 2, 1864."

"An act to repeal an act entitled 'An act for the improvements of Myrtle avenue in the city of Brooklyn,' passed June 21, 1875."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Coleman, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended by adding after the word entitled "An act to amend an act entitled," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Selkreg offered the following :

*Resolved* (if the Assembly concur), That the two branches of the Legislature will meet in joint convention on Tuesday, March 7, 1876, at 12 o'clock noon, to elect two Regents of the University in place of William H. Goodwin and Horatio G. Warner, deceased.

*Ordered*, That said resolution be laid upon the table.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

"An act to amend chapter 326 of the Laws of 1875, entitled 'An act to further amend chapter 541 of the Laws of 1865, entitled An act to incorporate the city of Newburgh; also to amend chapter 551 of the Laws of 1872; also to amend chapter 326 of the Laws of 1875, entitled An act to amend an act entitled An act to incorporate the city of Newburgh.'"

Assembly, "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873."

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of the State be amended, by adding thereto the following section :

§ 29. On the first day of January, eighteen hundred and seventy-nine, the court of common pleas for the city of New York and the superior court of the city of New York shall cease to exist, and all the jurisdic-



tion of said courts shall vest in, and all the judges of said courts then in office shall become justices of the supreme court, and any judicial power as a county judge, and any other special authority and jurisdiction now vested in either of the courts hereby abolished, or in any or either of the judges thereof, shall vest in the justices of the supreme court for the first department, to be exercised in such manner and under such limitations and regulations as the general term for such first department shall, from time to time, prescribe, and thereupon the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions and proceedings then pending in the courts so abolished, shall be and become immediately transferred to the supreme court, for the first department, without prejudice to any undertaking, bond, pleading, deposition or other entry or proceeding previously had therein, and thereafter there shall be seventeen justices of the supreme court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of the State, and the salaries of all said justices (except five) shall be provided for and paid by the city of New York. The general term of the first department shall hereafter consist of five justices, of whom three may constitute a quorum, all of whom shall be designated in the manner in which general term justices are now, or shall hereafter be, authorized by law to be designated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1, of article 13 of the Constitution, it be published for three months previous to the time of such election.

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Schoonmaker moved that said resolution be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act in relation to the equalization of assessments, under chapter 312 of the Laws of 1859, and the amendments thereto."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Woodin, the Senate adjourned.

TUESDAY, FEBRUARY 29, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented the petition of George W. Kirk and others, for compensation for property taken by virtue of the annexation of a portion of Westchester county to the city of New York; which was read and referred to the committee on the judiciary.

Mr. Starbuck presented a remonstrance of members of the Bar of Herkimer county, against proposed change of the judicial districts of the State; which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Watertown, for repeal of law exempting clergymen, church property and private schools from taxation; which was read and referred to the committee on finance.

Also, three petitions of citizens of Orleans, Jefferson county, for passage of the law authorizing the payment of money collected of taxpayers in said town for railroad purposes, to supervisors of said town; which were read and referred to the committee on the judiciary.

Mr. Vedder presented two remonstrances of citizens and women of German Flats, against erecting district number one of said town into a separate excise district; which were read and referred to the committee on internal affairs.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing Jeffrey F. Thomas, assessor of the town of Sheldon, county of Wyoming, to qualify as such during his term of office," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to legalize and confirm the official acts of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution," and said bill was committed to the committee of the whole.

The President presented the following :

UNIVERSITY OF THE STATE OF NEW YORK, }  
OFFICE OF THE REGENTS, }  
ALBANY, February 24, 1876. }

Hon. WILLIAM DORSHEIMER, *President of the Senate.*

SIR: I am directed to state for the information of the Senate, that by the death of Hon. Horatio Warner, LL. D. of Rochester, and of Rev. William H. Goodwin, D. D., LL. D. of Dryden, two vacancies in the board of Regents of the University are created, to be filled at the pleasure of the Legislature.

Very respectfully,

Your obedient servant,

S. B. WOOLWORTH, *Secretary.*

Also, a communication from the Attorney General, in response to a resolution of the Senate, relative to the boundary line between New York and Connecticut through Long Island sound; which was laid upon the table and ordered printed.

(See Doc. No. 43.)

Also, the report of the State Engineer and Surveyor, in response to a resolution of the Senate, relative to the Chenango, Crooked Lake and Oneida Lake canals and feeders; which was laid upon the table and ordered printed.

(See Doc. No. 44.)

The Assembly sent for concurrence the bills entitled as follows :

"An act to repeal chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' and chapter 530 of the Laws of 1875, entitled 'An act to amend an act and the title of an act, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' passed April 21, 1874, so far as the same relates to the county of Steuben,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act relating to courts, officers of justice and civil proceedings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriations for the support of government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to prevent frauds in the sale of state-rooms, berths and tickets upon steamboats and steamships and other vessels," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act providing for the union of the Griffith Institute with Union Free School district No. 1, of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the payment of the expenses incurred in trials of convicts for crimes committed in the State prisons," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,' passed May 9, 1867," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to amend chapter 204 of the Laws of 1875, entitled 'An act to amend chapter 758 of the Laws of 1865, entitled An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns, capital stock in the Cooperstown and Susquehanna Valley Railroad Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend section 5, chapter 427, Laws of 1855, in relation to description on assessment rolls of lands assessed as resident, on which taxes remain unpaid," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the construction and maintenance of four additional public baths in the city of New York," which was read the first time, and by unanimous consents was also read a second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan,' passed April 21, 1864, and as amended by chapter 191 of the Laws of 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the extension of the time for the collection of taxes in the several towns in the county of Cattaraugus," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Cole	Loomis	Rogers	Vedder
Coleman	McCarthy	St. John	Wellman
Doolittle			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to expedite the payment of awards for lands taken in opening streets, boulevards or avenues in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharfs, bulkheads and slips, in the cities of New York and Brooklyn,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to appeals in highway cases," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to the direction of the Richmond County Storage and Business Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of the said town of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act in relation to dealers in second-hand goods," which was read the first time and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 4 of title 2 of chapter 13 of part 1 of the Revised Statutes, relating to assessments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to provide for the formation and regulation of joint stock companies," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act for the relief of George Worthington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 563 of the Laws of 1869, entitled 'An act to protect butter and cheese manufacturers,' passed May 2, 1864."

"An act to amend chapter 326 of the Laws of 1875, entitled 'An act to further amend chapter 541 of the Laws of 1865, entitled An act to incorporate the city of Newburgh;' also to amend chapter 551 of the Laws of 1872; also to amend chapter 326 of the Laws of 1874, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh.'"

The bill entitled "An act to amend chapter 563 of the Laws of 1869, entitled 'An act to amend an act entitled An act to protect butter and cheese manufacturers,' passed May 2, 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sayre
Bradley	Hammond	Moore	Schoonmaker
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Verdier
Coleman	Lamont	Robertson	Wellman
Doolittle			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors in the county of Westchester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	St. John
Bradley	Jacobs	Morrissey	Sayre
Carpenter	Kennaday	Prince	Schoonmaker
Cole	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Tobey
Hammond	McCarthy		

22

## FOR THE NEGATIVE.

Bixby

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office," having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Add as § 2 the following:

"§ 2. Nothing herein contained shall affect any action or proceeding now pending in any court of this State."

Change "§ 2" to "§ 3."

Said bill, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Loomis	Rogers	Wellman
Doolittle	McCarthy	St. John	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sayre
Bixby	Hammond	Moore	Schoonmaker
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin
Doolittle	Loomis	St. John	

27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sayre
Booth	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Coleman	Kennaday	Robertson	Starbuck
Doolittle	Lamont	Rogers	Vedder
Emerson	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 326 of the Laws of 1875, entitled 'An act to further amend chapter 541 of the Laws of 1866, entitled 'An act to incorporate the city of Newburgh;' also to amend chapter 551 of the Laws of 1872; also to amend chapter 326 of the Laws of 1875, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh,'" having been announced for a third reading,

On motion of Mr. St. John, and by unanimous consent, said bill was amended as follows:

Amend the title by striking out the words "also to amend chapter 326 of the Laws of 1875," second occurring therein.

Add, at end of line 4, section 1, the following: "Section 3 of title 4 of said act, as amended May 6, 1872, is hereby further amended, so as to read as follows:"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Booth	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle			

29

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Selkreg moved to take from the table the resolution in the words following:

*Resolved*, (If the Assembly concur), That the two branches of the Legislature will meet in joint convention on Tuesday, March 7, 1876, at 12 o'clock, noon, to elect two Regents of the University, in place of William H. Goodwin and Horatio G. Warner, deceased.

Mr. Selkreg moved that said resolution be amended by striking out the words "Tuesday, March 7," and inserting the words "Thursday, March 9."



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Gerard moved that the bill entitled "An act in relation to jurors in the city of New York," be printed, pending its consideration by the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York, and the commissioners of charities of the county of Kings."

Assembly, "An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village,' " passed May 28, 1873."

"An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York.'"

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York," which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the reporting of persons in the various benevolent institutions of this State."

"An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act.'"

"An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder moved to substitute for said bill, Assembly bill No. 63, same title, now on calendar of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said Assembly bill was then ordered to a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Rogers, the Senate adjourned.

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### WEDNESDAY, MARCH 1, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bixby presented a petition of the New York Catholic Protectory for an appropriation to enable them to diminish their indebtedness, incurred in erecting juvenile asylum buildings; which was read and referred to the committee on finance.

Mr. Moore presented a petition of citizens of Potsdam, Canton and Pierrepont, St. Lawrence county, for reduction of official salaries; which was read and referred to the committee on finance.

Mr. St. John presented a petition of citizens of Dutchess and Orange counties, in favor of the Fishkill and Newburgh Railroad and Bridge Company; which was read and referred to the committee on railroads.

Mr. Schoonmaker presented two remonstrances against an increase of fees to Hell-gate pilots; which were read and referred to the committee on commerce and navigation.

Mr. Vedder presented two remonstrances of voters and women of the town of German Flats, against creating a separate excise district in said town; which were read and referred to the committee on internal affairs.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bradley moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to secure justice and fair dealing between the local government of the city of New York, its officers and agents, and those who may furnish services, labor or material for the

same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to build a sewer along Beaver creek, in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the Secretary of State upon statistics of pauperism, for the year ending November 30, 1875, which was laid upon the table and ordered printed.

(*See Doc. No. 46.*)

Also the following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, March 1, 1876. }

To the Senate :

I have the honor to transmit herewith the annual report of the Trustees of the Sailors' Snug Harbor.

SAMUEL J. TILDEN.

Which was laid upon the table and ordered printed.

(*See Doc. No. 45.*)

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to repairs of certain streets in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to amend chapter 59, of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York.'"

"An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act.'"

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to establish a state board of audit, and to define its powers and duties," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to reinstate the stockholders of the New York

State Inebriate Asylum in their vested rights," reported adversely thereto.

Mr. Selkreg moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to protect hotel-keepers and inn-keepers and the guests of hotels and inns, and for the punishment of persons who shall cheat or defraud hotel or inn-keepers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$5,000, and to provide for the repayment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to authorize the Fishkill and Newburgh Railroad and Bridge Company to build a bridge across the Hudson river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Assembly bill entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York," having been announced for a third reading,

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows:

Add, at the end of section 1, the following:

"It shall also be the duty of said commissioners to employ the said convict and pauper labor, so far as, in their judgment, the same may be practicably and advantageously done, in such branches of industry and in such a diversity thereof as may tend least to conflict with the interests of free outside industries and trades in said city and county."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Kennaday	Rogers	Tobey
Cole	Loomis	St. John	Vedder
Doolittle	McCarthy	Sayre	Wagner
Gerard	Moore	Selkreg	Wellman
Hammond	Prince	Starbuck	Woodin
Harris	Robertson		

22

#### FOR THE NEGATIVE.

Bixby	Morrissey	Schoonmaker	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Schoonmaker
Bixby	Kennaday	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Carpenter	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Wellman
Gerard	Moore	Sayre	Woodin
Harris			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 59 of the Laws of 1868, entitled 'An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Tobey
Doolittle	Loomis	St. John	Vedder
Gerard	Moore	Sayre	Wagner
Hammond	Morrissey	Schoonmaker	Wellman
Harris	Prince	Selkreg	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Robertson	Tobey
Bixby	Jacobs	Rogers	Vedder
Bradley	Kennaday	St. John	Wagner

Carpenter	Loomis	Schoonmaker	Wellman	
Doolittle	Moore	Selkreg	Woodin	
Gerard	Morrissey	Starbuck		23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the reporting of persons in the various State benevolent institutions of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Robertson	Starbuck	
Bixby	Jacobs	Rogers	Tobey	
Cole	Kennaday	St. John	Vedder	
Doolittle	Loomis	Schoonmaker	Wagner	
Gerard	Morrissey	Selkreg	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 3,000 copies of the Annual Report of the Board of Managers of the New York State Lunatic Asylum, reported in favor of the following resolution :

*Resolved* (if the Assembly concur), That 3,000 copies of the Annual Report of the Board of Managers of the New York State Lunatic Asylum, at Utica, be printed ; 2,000 copies for the use of the Managers and 1,000 for the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Selkreg	
Bixby	Jacobs	Robertson	Starbuck	
Cole	Kennaday	Rogers	Tobey	
Coleman	Lamont	St. John	Vedder	
Doolittle	Loomis	Sayre	Wagner	
Gerard	Moore	Schoonmaker	Wellman	24

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The hour of twelve o'clock having arrived, the Senate went into executive session ; and, after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Robertson moved that the Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," be recommitted to the committee on the affairs of cities, retaining its place in the order of third reading of bills

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative,

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the lien of inn-keepers, hotel-keepers and boarding-house keepers," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers,' and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize plank-road and turnpike companies formed under and by virtue of 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence, and to repeal chapter 283 of the laws of 1872," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of Charles A. Dolson, as notary public in the county of Allegany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the sale and exchange of the stock or bonds of any railroad corporation for the bonds of any municipal corporation, and also authorizing the issuing of the bonds of such municipal corporation, less in amount than had been before agreed or authorized," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to wills of personal estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend §§ 44 and 48, article 4, title 6, chapter 5, part 1 of the Revised Statutes, relative to removal of county officers."

"An act to secure more reliable and complete information concerning the financial and social condition of the several cities and villages of this State."

Assembly, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867, and the several acts amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Lamont, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Kennaday	Rogers	Tobey
Bradley	Lamont	St. John	Vedder
Carpenter	Loomis	Sayre	Wagner
Cole	Moore	Schoonmaker	Wellman
Coleman	Morrissey	Selkreg	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly with amessage informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following :

*Whereas*, The commercial and industrial interests of the country require a settled, steady, and uniform financial policy on the part of the government ; and

*Whereas*, The public honor, credit and safety, as well as the restoration of commercial confidence and prosperity, demand that this policy, by gradual and prudent steps towards the resumption of specie payments, shall establish a sound and stable currency, based upon the world's standard of coin ; and

*Whereas*, The act of Congress, approved January 14, 1875, provides for and pledges the government to a resumption of specie payments on the first of January, 1879 ; therefore,

*Resolved* (if the Senate concur), That our Senators and Representatives in Congress be requested to oppose any repeal of the said resumption act of January 14, 1875, and that they be also requested to favor such further legislation as may be needed to give full faith and force to the pledge contained in said act and thereby to ensure the permanent restoration of specie payments.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to repeal chapter 327 of the Laws of 1874, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester.'"

*Ordered*, That the Clerk deliver said bill to the Governor.



The Assembly returned the concurrent resolution providing for a joint convention of the Legislature on Thursday, March 9, at 12 o'clock, to elect two Regents of the University, with a message that they had concurred in the passage of the same.

The Assembly sent for concurrence the bill entitled as follows :

"An act to extend the time for the collection of taxes in the county of Livingston," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Kennaday	Rogers	Tobey
Bradley	McCarthy	St. John	Vedder
Cole	Moore	Sayre	Wellman
Coleman	Morrissey	Schoonmaker	Woodin
Doolittle	Prince	Selkreg	

23

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Selkreg, the Senate adjourned.

## THURSDAY, MARCH 2, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. St. John presented two petitions of citizens of Dutchess and Orange counties for an act enabling the Fishkill and Newburgh Railroad and Bridge Company to construct a bridge across the Hudson river; which were read and referred to the committee on railroads.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 204 of the Laws of 1875, entitled 'An act to amend chapter 758 of the Laws of 1875, entitled An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds, and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley

Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to the Shelter Island Grove and Camp Meeting Association of the Methodist Episcopal Church," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp Meeting Association of the Methodist Episcopal Church,' and supplementary thereto," and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of government," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 1,000 copies of the Annual Report of the Trustees of the State Library, reported in favor of the following resolution:

*Resolved*, That 1,000 copies of the Annual Report of the Trustees of the State Library be printed, of which 500 shall be bound for the use of the Library.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	St. John
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Carpenter	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Woodin

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan,' passed April 21, 1864, and as amended by chapter 191 of the Laws of 1873," reported in favor of the passage of the same.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to facilitate the making good of banking capital, when reduced by impairment or otherwise," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to provide for uniformity of text-books in the common schools," reported in favor of the passage of the same (Mr. Prince dissenting), and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the several acts relating to public instruction,' passed May 2,

1864, as amended by an act passed April 16, 1867," reported adversely thereto.

Mr. Schoomaker moved to disagree with the report of the committee, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to require the filing of maps in the assessor's office in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows :

"An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage house in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Peterson, formerly Charity Boston, his widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the sale of the State armory at Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town for the purpose of building a town hall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act providing for the permanent maintenance of 'The Seamen's Fund and Retreat,' and for the sale and conveyance of a part of the lands known as the "Seamen's Retreat," in the county of Richmond, and for the disposition of the proceeds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to release to Bridget Porter the right, title and interest of the people of the State of New York in and to certain real estate in the Twenty-fourth ward of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof,' passed May 28, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the commissioners of docks of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office."

"An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such."

"An act to amend chapter 636 of the Laws of 1873, entitled 'An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village, passed May 28, 1873.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to confirm a deed from the Central Baptist Church, Poughkeepsie, to the Baptist Church of Christ of Poughkeepsie."

"An act to amend chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act in relation to the jurisdiction of the Marine Court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to amend an act authorizing the taxation of stockholders of banks and the surplus funds of savings banks, passed April 23, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act in relation to nominations and appointments to fill certain offices in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend section 38 of title 1 of chapter 17, part 1, of the Revised Statutes, relative to auction sales in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act relating to municipal indebtedness, and to provide for the redemption of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the

village of Penn Yan," passed April 21, 1864, and as amended by chapter 191 of the Laws of 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baden	Doolittle	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Booth	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Lamont	Rogers	Wellman
Cole	Loomis	St. John	Woodin
Coleman	McCarthy		

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend sections 44 and 48, article 4, title 6, chapter 5, part 1 of the Revised Statutes, relative to removal of county officers," having been announced for a third reading,

Mr. Woodin moved to recommit said bill to the committee on the judiciary, with instructions to amend as follows:

Add as § 3 the following:

"§ 3. Section 49 of article 4, title 6, chapter 5, part first of the Revised Statutes, is hereby amended so as to read as follows:

§ 49. In every case where a vacancy shall occur in the office of sheriff, county treasurer any superintendent of the poor, any coroner, district attorney or clerk of any county, or the register or clerk of the city and county of New York, for any cause, the board of supervisors of the county where such vacancy shall occur, shall, within ten days thereafter, by ballot, select some fit person who is eligible to the office, to execute the duties thereof until it shall be supplied by an election. The person so appointed, after taking the oath of office and executing a bond, if one be required, of the officer in whose place shall be appointed, shall possess all the rights and powers, and be subject to all the duties and obligations of the officer so removed."

Mr. Robertson; from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to amend sections 44 and 48, article 4, title 6, chapter 5, part 1 of the Revised Statutes, relative to removal of county officers," with instructions to amend the same, report that the committee have had the same under consideration, have made the amendments thereto as instructed by the Senate, and have directed their chairman to report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baden	Doolittle	Morrissey	Tobey
Booth	Hammond	Prince	Vedder
Bradley	Harris	St. John	Wagner

Carpenter	Lamont	Sayre	Wellinan
Cole	McCarthy	Selkreg	Woodin
Coleman	Moore		

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FOR THE NEGATIVE.

Bixby	Robertson	Schoonmaker	Starbuck
Gerard	Rogers		

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When the name of Mr. Loomis was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

Mr. Schoonmaker moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Starbuck
Bradley	Jacobs	Robertson	Tobey
Carpenter	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Gerard	McCarthy	Sayre	Wellman
Hammond	Moore	Schoonmaker	Woodin

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FOR THE NEGATIVE.

Baaden	Booth	Doolittle	Selkreg
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Mr. Gerard moved that said bill be recommitted to the committee of the whole, and printed as amended.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin called from the table the Assembly concurrent resolution in the words following:

*Whereas*, The commercial and industrial interests of the country require a settled, steady and uniform financial policy on the part of the government; and

*Whereas*, The public honor, credit and safety, as well as the restoration of commercial confidence and prosperity demand that this policy, by gradual and prudent steps toward the resumption of specie payments, shall establish a sound and stable currency, based upon the world's standard of coin; and

*Whereas*, The act of Congress, approved January 14, 1875, provides for and pledges the government to a resumption of specie payments on the first of January, 1879; therefore,

*Resolved* (if the Senate concur), That our Senators and Representatives in Congress be requested to oppose any repeal of the said resumption act of January 14, 1875, and that they be also requested to favor such further legislation as may be needed to give full faith and force to the pledge contained in said act, and thereby to insure the permanent restoration of specie payments.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows;

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Tobey
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Gerard	Moore	Schoonmaker	Woodin

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*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bradley moved to take from the table the resolution in the words following:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die* Friday, 17th day of March, 1876.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved that said resolution be amended by striking out the word "17th," and inserting the word "24th."

Pending which and after debate,

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Vedder
Booth	Doolittle	Prince	Wellman
Carpenter	Harris	Robertson	Woodin
Cole	McCarthy	Selkreg	

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## FOR THE NEGATIVE.

Bixby	Jacobs	Morrissey	Sayre
Bradley	Kennaday	Rogers	Schoonmaker
Gerard	Lamont	St. John	Starbuck
Hammond	Loomis		

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Mr. Doolittle moved that Assembly bill entitled "An act to amend chapter 204 of the Laws of 1875, entitled 'An act to amend chapter 758 of the Laws of 1865, entitled An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns, capital stock in the Cooperstown and Susquehanna Valley Railroad Company,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 817 of the Laws of 1872, entitled 'An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York,' passed May 22, 1872."

Assembly, "An act to amend chapter 204 of the Laws of 1875, entitled 'An act to amend chapter 758 of the Laws of 1865, entitled An act to

authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley Railroad Company."

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended by striking out the words "passed May 22, 1872," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Cole, from the same committee, reported progress on said last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relating to the assignment of certain mortgages," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator," and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the settlement of bills of exceptions in criminal cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was recommitteed the bill entitled "An act in relation to county treasurers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$5,000, and to provide for the repayment thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Jacobs offered the following:

*Resolved*, That a respectful message be sent to the Assembly requesting the return to the Senate of Senate bill No. 34, entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the clerk was ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 430 of the Laws of 1874, entitled "An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases."



After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

On motion of Mr. McCarthy, the Senate adjourned.

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## FRIDAY, MARCH 3, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Doolittle presented a petition of citizens of Lenox, county of Madison, for the establishment of a boundary line between said town and the town of Vernon, Oneida county; which was read and referred to the committee on erection and division of towns and counties.

Mr. Bradley presented a petition of citizens of Corning, relative to the relief of the Corning Library; which was read and referred to the committee on literature.

Mr. St. John presented a petition of citizens of Dutchess and Orange counties, granting to the Newburgh Railroad and Bridge Company the right to build a bridge over the Hudson river; which was read and referred to the committee on railroads.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the inspection and running of steamboats on Chautauqua lake," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 2, of chapter 514, of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to proceedings under title 1, chapter 5 of part 2 of the Revised Statutes, for the discharge of insolvent or imprisoned debtors," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the court of general sessions of the peace, in and for the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 5, chapter 427, Laws of 1855, in relation to description on assessment rolls of lands assessed as resident, on which taxes remain unpaid," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 5 of chapter 427, Laws

of 1855, entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,' and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to relieve married women from disability in transacting business," reported adversely thereto.

After debate,

Mr. Kennaday moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the question of agreeing to the report of the committee be made a special order for Wednesday morning next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Prince, from the committee on charitable and religious societies, to which was referred the bill entitled "An act relating to children," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12th, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the commissioners of jurors in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal an act entitled 'An act to alter the map or plan of the city of New York, by laying out thereon a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 817 of the Laws of 1872, entitled 'An act

to regulate the practice of pharmacy and the sale of poisons in the city and county of New York,' passed May 22, 1872."

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," reported in favor of the passage of the same, and said bill was ordered to a third reading.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 502 of the Laws of 1853, entitled 'An act to authorize stockholders of railroad and plank-road companies to make payments upon mortgages in process of foreclosure against such companies, and thereupon to become interested in said mortgages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the joint committee of the Senate and Assembly, presented a report of the joint committee of the Senate and Assembly, relative to canal investigation, which was laid upon the table and ordered printed.

(See Doc. No. 48.)

The President presented a report of Messrs. Olmsted, Eidlitz & Richardson, relative to the plans and estimates for building the new Capitol, which was laid upon the table and ordered printed.

(See Doc. No. 49.)

The Assembly returned, in response to a resolution of the Senate, the bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title."

Mr. Jacobs moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Hammond	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Wagner
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

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Mr. Sayres moved that said bill be recommitted to the committee on railroads, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the Assembly bill entitled "An act to provide for the employment of convicts and paupers under the control of the commissioners of public charities and correction of the city and county of New York," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, that the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to amend chapter 133 of the Laws of 1855, entitled 'An act to incorporate the Niagara Falls Suspension Bridge Company,' passed March 31, 1855," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company, to exchange the same for the capital stock of said company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, said bill was committed to the committee of the whole, and ordered considered in first committee not full.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to arrears of taxes in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to enlarge the powers of boards of supervisors, passed April 18, 1833,' in relation to highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to re-issue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of the State of New York, passed April 17, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to repeal sections 3, 4, 5, 6, 7 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning Library,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Coleman	Kennaday	Robertson	Vedder
Doolittle	Loomis	Rogers	Wagner
Gerard	McCarthy	St. John	Wellman
Hammond	Moore	Sayre	23

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature,'" having been announced for a third reading,

Mr. Harris moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 817 of the Laws of 1872, entitled 'An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York,' passed May 22, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Rogers
Bixby	Hammond	McCarthy	St. John
Bradley	Harris	Moore	Schoonmaker
Cole	Jacobs	Morrissey	Starbuck
Coleman	Kennaday	Prince	Wagner
Doolittle	Lamont	Robertson	Wellman
Emerson			25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. McCarthy offered the following :

*Whereas*, The Canal Investigating Commission, in their last report, assert that the sum of \$398,875.99 has been paid to various contractors, for work that was never performed, as appears by the following extract from said report :

"The following sums are shown, by the reports of this Commission to the Executive, to have been estimated to the contractors for work that was never performed, or was improperly paid for through erroneous

classification, and for which the receivers should be required to make restitution :

Denison, Belden & Co.: Port Schuyler to Lower Mohawk aqueduct.....	\$157,337 02
Denison, Belden & Co.: East of the city of Utica.....	16,121 35
Willard Johnson: Lower side-cut lock, West Troy.....	30,595 65
Denison, Belden & Co.: Bullard's Bend contract.....	85,547 62
E. W. Williams: Building vertical walls at Rome.....	3,041 08
Flagler & Reilley: Fort Plain contract.....	5,815 35
S. D. Keller: Jordan Level contract.....	36,568 30
N. S. Gere: Jordan Level contract.....	8,801 90
Thomas Gale: Jordan Level contract.....	6,667 94
Horace Candee: Jordan Level contract.....	17,557 38
	<hr/>
	\$368,093 63

Add to this the balance yet due for money paid under the first John Hand award .....	30,782 36
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\$398,875 99

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*And, whereas*, No information has reached the Senate that more than one firm of such contractors has been prosecuted; and,

*Whereas*, It is the opinion of said Commission that said sum, large as it may appear, is but a fraction of the amount due to the State from similar sources, as appears by the following extract from their report: "Large as the sums appear, we are fully impressed with the belief that they form but a fraction of the amount that is due to the State from similar sources;" therefore

*Resolved*, That the Attorney-General be respectfully requested to communicate to the Senate, at as early a day as practicable, the reasons why all the parties thus charged have not been prosecuted, and the claims of the State pushed forward for collection, and whether any further, and, if any, what legislation is necessary to enable the Attorney-General to carry on such prosecution.

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley offered the following:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die* on Friday the 7th day of April, 1876.

*Ordered*, That said resolution be laid upon the table.

Mr. Doolittle offered the following:

*Resolved*, That when the Senate adjourn to-day, it be until Monday evening next at 7½ o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows:

"An act to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county."

*Resolved* (if the Senate concur), That article 9 of the Constitution be amended by the addition of the following sections:

§ 2. The State shall maintain a system of common schools which shall be free forever. The Legislatura shall provide for the instruction in the branches of rudimentary education, for the period of at least twenty-eight weeks in each year, of all persons in the State between the ages of five and twenty-one years, by annually raising therefor, by tax upon the real and personal estate in the respective counties, a sum of not less than \$3,000,000.

§ 3. Neither the money nor the credit of the State, nor of any county, town or municipal corporation, shall be given or loaned to, or be otherwise applied to the support of any school or schools under the control of any religious sect or denomination, or to any school or schools not wholly the property of the State, or of the county, city, town or village in which they are located.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

"An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company, to exchange the same for the capital stock of said company."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Gerard moved that the committee of the whole be discharged from the further consideration of said resolution, and that the same be referred to the committee on literature.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Vedder moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading; that the said bill be printed and referred to the committee on the judiciary, retaining its place in the order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Bixby, the Senate adjourned.

MONDAY, MARCH 6, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 3, was read and approved.

Mr. Booth presented a memorial of the comptroller of the city of New York, for the repeal of the amendment of section 120, chapter 80, Laws

of 1870 (chap. 223, Laws of 1875), relative to National Guard, so far as the same relates to the city and county of New York; which was read and referred to the committee on militia.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That there be printed 500 copies of the Report of the Superintendent of the Salt Springs, for the use of his office.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act relative to judgments entered upon forfeited recognizances in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defence, and entitled the Military Code,' passed April 30, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act supplementary to an act entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy,' passed April 11, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to provide for the payment of expenses incurred by the city of Auburn in making improvements in front of property owned by the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act further to amend chapter 270 of the Laws of 1850, entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and territories.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Vedder offered the following:

*Whereas*, The large amount of mail and express matter sent from the Senate renders additional assistance necessary;

*Resolved*, That George Martinus be and is hereby appointed superintendent of mail and express matter for the present session, and that he receive the same per diem and mileage compensation now by law authorized and paid to the assistant postmaster of the Senate for the session of



1876, and that the said compensation be paid in the same manner that the other officers of the Senate are paid, to take effect from the 10th day of February, 1876.

The President put the question whether the Senate would agree to said said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Bradley	McCarthy	Rogers	Vedder
Carpenter	Morrissey	Schoonmaker	Woodin
Cole			

17

FOR THE NEGATIVE.

Hammond

1

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to repeal an act entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,' passed May 20, 1869."

"An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases.'"

"An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858,' passed April 18, 1870."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, with amendments, and the title amended so as to read "An act to repeal chapter 930 of the Laws of 1869, entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg moved that the bill entitled "An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, for the purpose of raising funds with which to pay the bonds of said town heretofore issued by virtue of said act of 1866," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Harris moved that the bill entitled "An act making appropriations for the support of government," be considered in the first committee of the whole on Tuesday, March 7.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to repairs of certain streets in the city of Albany."

"An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866."

"An act to build a sewer along Beaver creek in the city of Albany."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to authorize a sewer to be built along Beaver creek in the city of Albany," which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Selkreg, the Senate adjourned.

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## TUESDAY, MARCH 7, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Gerard presented a remonstrance of 500 members of the bar of the city of New York, against the Assembly bill giving to the sheriffs of the several counties the service of summons and complaint in all actions in courts of record; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, entitled 'Of disorderly persons,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the jurisdiction of the Marine Court of the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 479 of the Laws of 1875, entitled 'An act in relation to the jurisdiction of the Marine Court of the city of New York, and to the justices of said court,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the payment of the expenses incurred by justices of the Supreme Court while engaged in attendance upon courts not assigned to them," reported adversely thereto, which report was agreed to, and said bill rejected.

Messrs. Russel and Halliday, a committee on the part of the House, appeared in the Senate and announced the election of Hon. George P. Sloan as Speaker, *pro tem.*, of the Assembly.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,' passed May 9, 1867," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 479 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to repeal an act entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,' passed May 20, 1869."

"An act to authorize a sewer to be built along Beaver creek in the city of Albany."

"An act in relation to repairs of certain streets in the city of Albany."

"An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, for the purpose of raising funds with which to pay the bonds of said town heretofore issued by virtue of said act of 1866."

"An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858, passed April 18, 1870."

"An act to legalize the official acts of Charles M. Johnson, a justice of the peace of the town of Cameron, Steuben county."

The Assembly sent for concurrence the bill entitled as follows :

"An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend chapter 83 of the Laws of 1869, entitled 'An act to provide for the improvement of Grass river, and of the water power thereon, and check freshets therein,' passed March 31, 1869."

*Ordered,* That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled "An act in relation to the filing and recording of deeds and conveyances of real estate and mortgages on real and personal property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to amend sections 50 and 51 of chapter 15, article 5, title 1, part 1, of the Revised Statutes, relating to officers of colleges and academies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to establish a court of claims for the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to extend the operation and effect of the act entitled 'An act to act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to the Kingsbridge road in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869; and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Schoonmaker
Booth	Jacobs	Morrissey	Selkreg
Bradley	Lamont	Prince	Starbuck
Gerard	Loomis	Robertson	Vedder
Hammond	McCarthy	Rogers	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 930 of the Laws of 1869, entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,' having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee of the whole, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433, of the Laws of 1866, to issue bonds, for the purpose of raising funds with which to pay the bonds of said town heretofore issued by virtue of said act of 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Schoonmaker
Booth	Hammond	Morrissey	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Vedder
Cole	Lamont	St. John	Woodin
Coleman	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize a sewer to be built along Beaver creek in the city of Albany," having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended by striking out the word "among," in section 2, and inserting the word "upon."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	St. John
Bixby	Gerard	McCarthy	Schoonmaker
Booth	Harris	Moore	Selkreg

Bradley	Jacobs	Morrissey	Vedder
Carpenter	Lamont	Robertson	Woodin
Cole			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to repairs of certain streets in the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	McCarthy	St. John
Bixby	Hammond	Moore	Schoonmaker
Booth	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Lamont	Robertson	Woodin
Cole	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 821 of the Laws of 1873, entitled 'An act to amend an act entitled An act to amend an act entitled An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858,' passed April 18, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Moore	St. John
Bixby	Hammond	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Carpenter	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Woodin
Coleman	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bixby offered the following:

*Whereas*, A vacancy exists in the office of judge of the marine court of the city of New York, by reason of the decease of Alexander Spaulding, late one of the judges of said court; and

*Whereas*, It is provided by section 3 of chapter 389 of the Laws of 1852, that vacancies occurring in the office of judge of said marine court shall be filled in the manner prescribed by law for filling vacancies in the office of the justices of the superior court of the city of New York; and

*Whereas*, It is provided by section 12 of article 6 of the Constitution of the State of New York, that vacancies occurring in the office of justices of the superior court of the city of New York, shall be filled in the same manner as vacancies in the supreme court, and by section 9 of the same article of the Constitution, it is provided that when a vacancy

shall occur, otherwise than by expiration of term in the office of justice of the supreme court, the same shall be filled at the next general election happening not less than three months after such vacancy occurs; and until any vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor may appoint to fill such vacancy; and

*Whereas*, One James P. Sinnott has, since the happening of such vacancy, been appointed judge of said marine court, by his excellency the Governor, but without the advice and consent of the Senate as required by law; therefore,

*Resolved*, That the Governor be, and he is hereby respectfully requested to communicate to the Senate, what action he has taken in respect to such appointment, his reasons for such action, and by what authority of law, if any, he has acted in the premises.

Mr. Woodin moved to amend so as to read as follows:

*Whereas*, A vacancy occurred in the office of judge of the marine court of the city of New York, by reason of the decease of Alexander Spaulding, late one of the judges of said court; and,

*Whereas*, One James P. Sinnott has, since the happening of such vacancy, said to have been appointed judge of said marine court by the Governor; therefore

*Resolved*, That his Excellency the Governor be and he is hereby respectfully requested to communicate to the Senate what action he has taken in respect to such appointment, his reasons for such action, and by what authority of law, if any, he has acted in the premises.

Mr. Schoonmaker moved to amend the amendment by striking out the words "his reasons for such action," occurring in the resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the amendment of Mr. Woodin, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the original resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Bradley moved to take from the table the resolution in the words following:

*Whereas*, The Canal Investigating Commission, in their last report, assert that the sum of \$398,875.99 has been paid to the various contractors for work that was never performed, as appears by the following extract from said report:

The following sums are shown by the reports of this Commission to the Executive to have been estimated to the contractors for work that was never performed, or was improperly paid for through erroneous classification, and for which the receivers should be required to make restitution:

Denison, Belden & Co., Port Schuyler to lower Mohawk aqueduct.....	\$157,337 02
Denison, Belden & Co., east of the city of Utica.....	16,121 35
Willard Johnson, lower side-cut lock, West Troy.....	30,595 65
Denison, Belden & Co., Bullard Bend contract.....	85,547 62
E. W. Williams, building vertical walls at Rome.....	3,041 08
Flagler & Reilley, Fort Plain contract.....	5,815 35
S. D. Keller, Jordan level contract.....	36,568 39

N. S. Gere, Jordan level contract.....	\$8,801 90
Thomas Gale, Jordan level contract.....	6,667 94
Horace Candee, Jordan level contract.....	17,557 33
	<hr/>
	\$368,093 63
Add to this balance yet due for money paid under the first.	
John Hand award.....	30,782 36
	<hr/>
	<u>\$398,875 99</u>

*And whereas*, No information has reached the Senate that more than one firm of such contractors has been prosecuted; and

*Whereas*, It is the opinion of said Commission that said sum, large as it may appear, is but a fraction of the amount due to the State from similar sources as appears by the following extract from their report: "Large as the sums appear, we are fully impressed with the belief that they form but a fraction of the amount due to the State from similar sources;" therefore,

*Resolved*, That the Attorney-General be respectfully requested to communicate to the Senate, at as early a day as practicable, the reasons why all the parties thus charged have not been prosecuted and the claims of the State pushed forward for collection, and whether any further, and, if any, what legislation is necessary to enable the Attorney-General to carry on such prosecution.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Birby	Hammond	Loomis	Schoonmaker
Bradley	Jacobs	St. John	Starbuck
Gerard	Lamont		
			10

#### FOR THE NEGATIVE.

Baaden	Coleman	Moore	Selkreg
Booth	Harris	Prince	Vedder
Carpenter	McCarthy	Robertson	Woodin
Cole			13

Mr. Bradley moved to reconsider the vote by which the motion to take said resolution from the table was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

Assembly, "An act making appropriations for the support of government."

After some time spent therein the President resumed the chair, and Mr. Prince, from said committee, reported progress on the said bill, and asked and obtained leave to sit again.

Mr. Harris moved that the further consideration of said bill be made a special order for to-morrow morning, immediately after reading the journal.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds issued in aid of the Southern Central Railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Geneva," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Schoonmaker
Bixby	Jacobs	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Carpenter	Loomis	Rogers	Vedder
Coleman	McCarthy	St. John	Woodin
Gerard			

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On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the Clerk was ordered to deliver said bill to the Assembly immediately, and request their concurrence therein.

Mr. Carpenter moved that the bill entitled "An act to amend chapter 479 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city,' be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Hammond, the Senate adjourned.

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WEDNESDAY, MARCH 8, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

Assembly, "An act making appropriations for the support of government."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The President presented the following :

# STATE OF NEW YORK:

EXECUTIVE CHAMBER,  
ALBANY, March 7, 1876. }

*To the Senate :*

I have the honor to transmit herewith a copy of a preamble and resolution of the General Assembly of the State of Pennsylvania, relating to an alleged unjust discrimination against the owners and navigators of canal boats and barges, plying between places in the State of Pennsylvania and points upon the public waters of this State.

SAMUEL J. TILDEN.

Which was laid upon the table and ordered printed.

(See Doc. No. 51.)

Mr. Robertson presented a petition of residents and taxpayers of the city of New York, for the passage of Assembly bill No. 37, entitled "An act to re-organize the local government of the city of New York;" which was read and referred to the committee on the affairs of cities.

Mr. Gerard presented a petition of the New York Institution for the Blind, for an appropriation of \$54,000; which was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act authorizing the sale of the State armory at Schenectady," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on literature, to which was referred the concurrent resolution proposing an amendment to article 9 of the Constitution, relative to the common schools, reported in favor of the passage of the same, with amendments, and said resolution was committed to the committee of the whole.

Mr. Prince, from the committee on literature, to which was referred the Assembly bill entitled "An act providing for the union of the Griffith Institute with Union Free School, District No. 1, of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 671 of the Laws of 1857, entitled 'An act to establish regulations for the port of New York,'" and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act,

entitled 'An act to incorporate the Maritime Association of the port of New York,' passed April 11, 1874," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association of the port of New York,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to personal property of fire companies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Peterson, formerly Charity Boston, his widow," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Green Island, and for other purposes,' passed May 12, 1869," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act changing the time for holding tax meetings in the village of Green Island," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent fraud by commissioners appointed by any court, or by the Legislature of this State, and to provide for the accounting of commissioners and to punish commissioners, engineers and surveyors for fraud," reported in favor of the passage of the same, with amendments, and the title amended so as to read, "An act relating to certain commissioners appointed to perform duties relative to roads, highways, avenues, streets or boulevards," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to cure irregularities on the part of the common council of the city of Buffalo, in entering into a contract with Joseph Dennis for planking South Michigan street, from the center of Ganson street to a point 459 feet southerly therefrom, and enabling said city to levy and collect an assessment to defray the expense of the same," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to amend chapter 143 of the Laws of 1861,

entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to release to Eveline Griffith certain real estate in the town of Florida, in the county of Montgomery, of which William Griffith, her late husband, died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to facilitate the dissolution of manufacturing companies, and to secure the payment of their debts without preference," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson moved that the consideration of the special order, being the adverse report of the committee on the judiciary, upon the bill entitled "An act to relieve married women from disabilities in transacting business," be postponed until to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday moved to reconsider the vote by which said motion was adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday moved that the consideration of said adverse report be made the special order for Tuesday next, during order of business of reports of standing committees.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to authorize the extension of the time for the collection of taxes in the town of Geneva."

*Ordered,* That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the town of Scio, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would to agree the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bixby	Hammond	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Morrissey	Wagner
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	Sayre	Woodin
Doolittle			

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to close part of Bedford place, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend chapter 837 of the Laws of 1869, entitled 'An act to extend Bedford avenue and Herkimer street, to widen Perry avenue and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn,'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

On motion of Mr. Schoonmaker, and by unanimous consent, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Rogers the Senate adjourned.

## THURSDAY, MARCH 9, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Selkreg presented a petition of 622 farmers, representing 26 Granges, for a law to prevent adulteration of fertilizers; which was read and referred to the committee on manufactures.

Mr. Loomis presented a petition of electors of the towns of Bainbridge and Aston, in the county of Chenango, to be annexed to the county of Broome; which was read and referred to the committee on erection and division of towns and counties.

Mr. Kennaday presented the affidavit of Marian Anderson relative to certain property in the city of Brooklyn escheated to the State; which was read and referred to the committee on the judiciary.

Mr. Robertson presented the petition of Lewis G. Morris and others, for the passage of Assembly bill, No. 37, entitled "An act to reorganize the local government of the city of New York so as to reduce the Depart-

ment of Public Parks from four commissioners to one commissioner;" which was read and referred to the committee on the affairs of cities.

Mr. St. John presented three petitions of citizens of Dutchess and Orange counties, praying that the Legislature grant the Fishkill and Newburgh Railroad Bridge Company the right to construct a bridge across the Hudson river; which were read and referred to the committee on railroads.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enlarge the powers of the Canal Board," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 379 of the Laws of 1848, entitled 'An act to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' and acts amendatory thereof," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'"

"An act to extend the time for the collection of taxes in the town of Scio, in the county of Allegany."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage-house in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Selkreg moved that at twelve o'clock to-day the Senate proceed to nominate two candidates for Regents of the University, to fill the vacancies caused by the decease of Horatio G. Warner and William H. Goodwin.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following:

*Whereas*, In the year 1833 the States of New York and New Jersey appointed a joint commission to define the boundary line between said States and their jurisdiction, respectively, over the waters of New York harbor; and,

*Whereas*, Encroachments are being constantly made upon said harbor on both sides of the Hudson river by citizens of both States; therefore,

*Resolved* (if the Senate concur), That the acting commissioners appointed by the Governor to discharge the duty imposed by section 7 of chapter 613 of the Laws of 1865, be authorized to meet the like number of commissioners to be appointed by the Governor of New Jersey,

and with them, as soon as may be, to ascertain where the exterior lines of said harbor lying between said States are located, and whether any and what encroachments have been made upon such harbor; such commissioners to be authorized to employ such persons as may be necessary to assist them in the performance of the aforesaid service, and to be required to report their proceedings to the Legislature of this State at its next annual meeting; and in case of death or resignation of said commissioners on the part of this State, or either of them, the Governor of this State is hereby empowered to fill the vacancy or vacancies so occurring.

*Resolved* (if the Senate concur), That the Governor of this State be requested to transmit a duly certified copy of the foregoing resolution to the Governor of the State of New Jersey, to be laid before the Legislature of that State.

*Ordered*, That said resolution be laid upon the table.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 836, of the Laws of 1872, entitled an act to regulate places of public amusement, in the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to establish a local court of civil jurisdiction in the city of Rochester and to amend the charter of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' so far as said act relates to the village of Charlotte," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act for the purpose of increasing the pension fund of the police department of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Commissioners of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to the Cortland Soldiers' Monumental Association for the purposes of the erection, maintenance and protection of a soldiers' monument," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to release the interest of the people of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act, entitled An act to provide for the incorporation of religious societies, passed April 5, 1813,' and of the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 332 of the Laws of 1873, entitled 'An act to incorporate the Central Trust Company of New York,' passed June 25, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' " which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to allow the reorganization of plank-roads and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to incorporate the Prison Association of New York,' passed May 9, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to authorize the sale of subdivision number twenty-three in block number fifty-one in the third ward of the city of Oswego, known as engine-house and lot number two," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:



"An act to amend chapter 326 of the Laws of 1875, entitled 'An act to further amend chapter 541 of the Laws of 1865, entitled An act to incorporate the city of Newburgh;' also to amend chapter 551 of the Laws of 1872, entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh.'"

"An act relating to fines imposed in criminal cases."

"An act to amend chapter 555 of the Laws of 1864, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler."

"An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey, and John Mackey."

"An act to amend section 5 of chapter 525 of the Laws of 1874, entitled 'An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 6 of title 5 of chapter 9 of part 1 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to amend chapter 321 of the Laws of 1875, entitled 'An act to amend an act entitled 'An act for the preservation of fish in the waters of the Oak Orchard creek, in the counties of Genesee and Orleans, and all streams, lakes, ponds or other waters in the county of Orleans,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lamont asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river,' passed June 26, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act in relation to the court of special sessions of the peace in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to amend title 2, chapter 1, part 2 of the Revised Statutes entitled 'Of Powers,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to extend the time for making assessments for taxes in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the 23d section of article 1, title 4, chapter 2, part 4 of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act to annex the towns of Afton and Bainbridge, in the county of Chenango, to the county of Broome, and to exempt said towns from certain taxes in the county of Broome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on erection and division of towns and counties.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to amend an act, passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue, from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly bill entitled "An act making appropriations for the support of government," having been announced for a third reading,

Mr. Prince moved that said bill be recommitted to the committee on finance with instructions to amend the same, as follows :

In the item providing for an appropriation for the court of arbitration of the Chamber of Commerce, strike out the words " but no payment shall be made for such salaries, under this or any former appropriation, until an amount equal to such payment shall be received into the State treasury from the fees collected by the clerk of said court, as provided in said act."

After debate,

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Prince	Selkreg	Wagner
Booth	Robertson	Tobey	Woodin
Doolittle			

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## FOR THE NEGATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Vedder
Coleman	Jacobs	St. John	Wellman
Emerson	Kennaday	Sayre	

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Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Booth	Hammond	Prince	Tobey
Bradley	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Kennaday	Sayre	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The hour of twelve o'clock having arrived, the President announced that, pursuant to law, and agreeably to a joint resolution of the Senate and Assembly, the Senate would proceed to nominate two candidates for the office of Regent of the University, to fill the vacancies occasioned by the decease of Horatio G. Warner and of William H. Goodwin.

The Senate thereupon proceeded to the nomination of a candidate in place of William H. Goodwin, deceased, when each Senator rose in his place and nominated as follows:

## FOR AUGUSTUS C. GEORGE.

Baaden	Doolittle	Prince	Vedder
Booth	Emerson	Robertson	Wagner
Carpenter	Harris	Sayre	Wellman
Cole	McCarthy	Selkreg	Woodin
Coleman	Moore	Tobey	

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## FOR ERASTUS CORNING.

Bixby	Hammond	Lamont	Schoonmaker
Bradley	Jacobs	Morrissey	Starbuck
Gerard	Kennaday	St. John	

11

The Senate again proceeded to the nomination of a candidate in place of Horatio G. Warner, deceased, when each Senator rose in his place and nominated as follows:

## FOR WILLIAM L. BOSTWICK.

Baaden	Doolittle	Prince	Vedder
Booth	Emerson	Robertson	Wagner

Carpenter	Harris	Sayre	Wellman
Cole	McCarthy	Selkreg	Woodin
Coleman	Moore	Tobey	19

## FOR DANIEL BEACH.

Bixby	Hammond	Lamont	Schoonmaker
Bradley	Jacobs	Morrissey	Starbuck
Gerard	Kennaday	St. John	11

A quorum having voted, and a majority having named William L. Bostwick and Augustus C. George as their choice, the President announced that Augustus C. George, of Syracuse, county of Onondaga, had been duly nominated, on the part of the Senate, a candidate for the office of Regent of the University, to fill the vacancy occasioned by the death of William H. Goodwin, and that William L. Bostwick, of Ithaca, county of Tompkins, had been nominated to fill the vacancy occasioned by the death of Horatio G. Warner.

Mr. Selkreg offered the following:

*Resolved*, That a committee of two be appointed to wait upon the Assembly, and inform that body that the Senate have made nominations for the office of Regents of the University, and are prepared to meet the Assembly in joint convention to compare nominations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. President announced as such committee Messrs. Selkreg and Jacobs.

The Assembly returned the bill entitled "An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay," with a message that they had passed the same with the following amendment:

Add at the end of section 1, the following:

"Provided that nothing in this act contained shall interfere with said streets, mentioned in said act, from running to the bulkhead line."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Booth	Hammond	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Cole	Jacobs	St. John	Vedder
Coleman	Kennaday	Sayre	Wagner
Doolittle			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Selkreg, from the committee appointed to wait upon Assembly relative to the nomination of Regents of the University, reported that the committee had performed that duty.

Messrs. Strahan and Shannon, a committee from the Assembly appeared in the Senate and announced that the Assembly had completed their

nominations for Regents of the University, and were ready to meet the Senate in joint convention, and compare nominations.

The President accordingly left the chair, and, with the Senate, proceeded to the Assembly chamber, and on comparing nominations for the office of Regents of the University, they were found to agree on the names of Augustus C. George and William L. Bostwick.

Thereupon the President announced that Augustus C. George, of Syracuse, in the county of Onondaga, was duly elected a Regent of the University to fill the vacancy occasioned by the death of Wm. H. Goodwin, and that Wm. L. Bostwick, of Ithaca, in the county of Tompkins, was duly elected Regent of the University to fill the vacancy occasioned by the death of Horatio G. Warner.

The Senate having returned to the Senate Chamber, the President announced the foregoing proceedings as having taken place.

On motion of Mr. Tobey, and by unanimous consent, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the bill entitled "An act to provide for the sale and exchange of the stock or bonds of any railroad corporation for the bonds of any municipal corporation; and also authorizing the issuing of the bonds of such municipal corporation, less in amount than had been before agreed or authorized."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bill, with amendments, and the title amended by inserting after the word corporation, second occurring, the words "within the counties of Essex, Clinton and Washington," which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Doolittle asked and obtained leave to introduce a bill entitled "An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof,'" which was read the first time, and by unanimous consent was also read the second time.

Mr. Doolittle moved that said bill be printed and substituted for Assembly bill No. 117, entitled "An act to amend chapter 204 of the Laws of 1875, entitled 'An act to amend chapter 758 of the Laws of 1865, entitled An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley Railroad Company,'" now on general orders No. 123.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then committed to the committee of the whole.

On motion of Mr. Jacobs, the Senate adjourned.

## FRIDAY, MARCH 10, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Starbuck presented a petition of the president and other village officers of the village of Carthage, for the passage of an act amending the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Robertson presented a petition of Webster Woodman and others, tax-payers of the city of New York, for passage of the act reducing the department of public parks to one commissioner; which was read and referred to the committee on the affairs of cities.

The President presented a communication from the Secretary of State and Comptroller, in response to a resolution of the Senate, relative to public printing; which was laid upon the table and ordered printed.

(See Doc. No. 52.)

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the sale of subdivision No. 23, in block No. 51, in the 3d ward of the city of Oswego, known as engine house and lot No. 2," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 836 of the Laws of 1872, entitled An act to regulate places of public amusement in the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for a further supply of pure and wholesome water for the 23d and 24th wards of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the construction and maintenance of four additional public baths in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide for the sale and exchange of the stock or bonds of any railroad corporation for the bonds of any municipal corporation, within the counties of Essex, Clinton and Washington, and also authorizing the issuing of the bonds of such municipal corporation, less in amount than had been before agreed or authorized."

Mr. Woodin moved that said bill be recommitted to the committee on the judiciary, retaining its place in the order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 6 of title 5 of chapter 9 of part 1 of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy,'" reported in favor of the passage of the same, with the title amended so as to read "An act supplementary to chapter 148 of Laws of 1853, entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,' passed May 11, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to certain negotiable corporate bonds and obligations,' passed May 22, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to authorize the overseer and assistant overseer of the poor in the city of Syracuse to administer oaths and take affidavits in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend section 9 of chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of companies,' as amended by chapter 170 of the Laws of 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act relating to the foreclosure of mortgages by advertisement," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend chapter 195, Laws of 1848, entitled 'An act to provide for taking the acknowledgment of deeds and other written instruments by persons residing out of the State of New York,' passed April 7, 1848," which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company,' passed May 1, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to amend chapter 834 of the Laws of 1869, entitled 'An act incorporating the village of Carthage, in the county of Jefferson,' and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows:

Strike out the following words in section 1, "and also provisions consistent with the constitution and laws of this State, concerning and regulating meetings by the stockholders of the corporation, the election of its directors, the selection of its officers, their authority and duties, and the manner of transacting the business of such corporation."

Mr. Morrissey moved that said bill be recommitted to the committee on the judiciary, with instructions to amend as follows:

Insert after the word "declare," in line 66, section 1, printed bill, the following: "But said bondholders shall have the right of voting by proxy in the same manner as is now allowed by law to stockholders."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley offered the following:

*Whereas*, By remarks in the Senate, attacks have been made upon the action of the Governor, relating to the appointment of the Canal Investigating Commission, and relating to his annual message on the same subject; also upon that commission and their action; also upon that of the Attorney-General, in reference to the prosecutions invited and produced by the developments made by the investigation and reports of the commission; therefore,

*Resolved*, That such attacks and criticisms are unjust and without foundation.

*Resolved*, That the Attorney-General be and he is hereby requested to communicate to the Senate, information relating to the prosecutions, civil and criminal, which have been instituted in behalf of the State, and whether there has been any delay in bringing them to trial, and, if so, the reasons.

Mr. Rogers moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rogers offered the following:

*Resolved*, That when the Senate adjourns to day, it be until Monday evening next, March 13, at 7½ o'clock, and that hereafter, until otherwise ordered, evening sessions be held on Tuesdays and Thursdays, commencing at half past 7 o'clock, p. m.



The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following:

*Whereas*, At the annual session of the Legislature for the year 1875, a proposed amendment to the Constitution was agreed to by concurrent vote of the Senate and Assembly, viz :

*"Resolved*, That section 4 of article 5 of the Constitution be amended so as to read as follows:

"§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of the State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense."

*And, whereas*, The said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their respective journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

*And, whereas*, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore,

*Resolved* (if the Assembly concur), That the said amendment be agreed to by the two houses comprising the present Legislature.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Rogers	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore	Schoonmaker	Woodin
			24

#### FOR THE NEGATIVE.

Bixby	Jacobs	Loomis	8
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*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city.' "

"An act in relation to county treasurers."

Assembly, "An act to amend sections 44 and 48, article 4, title 6, chapter 5, part 1, of the Revised Statutes, relative to the removal of county officers."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Rogers	Wagner
Coleman	Kennaday	Sayre	Wellman
Doolittle	Loomis	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Starbuck, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and the bill entitled "An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$5,000, and to provide for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	Rogers	Wellman
Coleman	Kennaday	Sayre	Woodin
Doolittle	Loomis	Schoonmaker	

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of

Brooklyn, in the county of Kings, formerly covered by the waters of New York bay."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to extend the time for the collection of taxes in the town of Scio, in the county of Allegany."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city.'"

"An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding \$5,000, and to provide for the payment thereof."

On motion of Mr. Jacobs, and by unanimous consent, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Jacobs, the Senate adjourned.

## MONDAY MARCH 13, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 10th, was read and approved.

Mr. Sayre presented a petition of citizens of the city of Rome, for an act extending the time for the completion of certain parts of the Rome Street railroad; which was read and referred to the committee on railroads.

Mr. Carpenter presented a petition of citizens of Columbia county, for the prevention, by legislative enactment, of the manufacture of all alcoholic beverages; which was read and referred to the committee on internal affairs.

Mr. Selkreg presented a petition of the common council of the city of Binghamton, relative to the deficiency of the fire department fund of said city; which was read and referred to the committee on the affairs of cities.

A resolution was received from the Assembly, as follows:

*Whereas*, The concurrent resolution proposing an amendment to the Constitution, in relation to the schools, was erroneously certified to the Senate as having passed this House, upon which information the Senate has taken action as though said resolution had actually passed this House; therefore be it

*Resolved*, That the Senate be informed by the official communication to that body of this resolution, that said concurrent resolution is still pending before the Assembly, and that the certificate of its passage by this House was erroneous.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of the resolution referred to, and that the same be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That article 9 of the Constitution be amended by the addition of the following sections:

§ 2. The State shall maintain a system of common schools, which shall be free forever. The Legislature shall provide for the instruction in such schools the branches of elementary education for the period of at least twenty-eight weeks in each year, of all persons in the State, between the ages of five and twenty-one years, by annually raising therefor, by tax upon the property in the respective counties, a sum of not less than three million of dollars.

§ 3. Neither the property nor the credit of the State, nor of any county, town or municipal corporation shall be given, loaned or be otherwise applied to the support, or in aid of any school under the control, or in charge of any church, religious sect or denomination; or to or in aid of any school or instruction, in respect to which there is any theological, denominational or sectarian test or requirement; or to or in aid of any school or instruction not subject to the regulation and inspection of the educational authorities, and open to all alike, irrespective of faith, nativity or parentage.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

Mr. Harris moved that said resolution be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the following appointment: For Page — William Apps, in place of John H. Guenther, resigned.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act relating to process and fees in the district courts in the city of New York, and justices' courts of Brooklyn, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act regulating the sale of intoxicating liquors, passed April 11, 1870, and the act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857,' passed May 21, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to extend the time for the completion of certain parts of the Rome Street railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

"An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies, and the acts supplementary thereto.'"

"An act to secure more reliable and complete information concerning the financial and social condition of the several cities and villages of this State."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Wellman, from the same committee, report that the committee had stricken out the enacting clause of said last named bill.

Mr. Schoonmaker moved that the bill entitled "An act to facilitate the settlement of bills of exception in criminal cases," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Carpenter moved that the bill entitled "An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Wellman moved that the bill entitled "An act to legalize and confirm the official acts of Charles A. Dolson, as notary public in the county of Allegany," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to facilitate the settlement of bills of exceptions in criminal actions."

"An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator."

"An act to legalize and confirm the official acts of Charles A. Dolson, as notary public, in the county of Allegany."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Woodin moved that the bill entitled "An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds, issued by said city, in aid of the Southern Central Railroad," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Schoonmaker moved that the bill entitled "An act in relation to proceedings under title 1, chapter 5, part 2 of the Revised Statutes, for the discharge of insolvent or imprisoned debtors," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Booth moved that the bill entitled "An act relating to children," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to proceedings under title 1, chapter 5, of part 2 of the Revised Statutes, for the discharge of insolvent or imprisoned debtors."

"An act relating to children."

"An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central Railroad."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Vedder, the Senate adjourned.

TUESDAY, MARCH 14, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of Samuel E. Lyon and others, tax-payers of the city of New York, for the passage of the act to reorganize the local government of the city of New York, to reduce the department of parks to one commissioner; which was read and referred to the committee on the affairs of cities.

Mr. Doolittle presented a remonstrance of citizens of Chenango county, against setting off the towns of Afton and Bainbridge, Chenango county, to the county of Broome; which was read and referred to the committee on erection and division of towns and counties.

Mr. Sayre presented three remonstrances of citizens of Oneida county against the act entitled "An act to allow the reorganization of plank-roads and turnpike roads;" which were read and referred to the committee on roads and bridges.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"

"An act to legalize and confirm the official acts of Charles A. Dolson, as notary public, in the county of Allegany."

"An act in relation to proceedings under title 1, chapter 5, of part 2 of the Revised Statutes, for the discharge of insolvent or imprisoned debtors."

"An act to facilitate the settlement of bills of exception in criminal actions."

"An act relating to children."

"An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator."

"An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds issued by said city, in aid of the Southern Central Railroad."

Mr. Doolittle, from the committee on manufactures, to which was referred the bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,' so far as said act relates to the village of Charlotte," reported in favor of the passage of the same.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baden	Doolittle	Lamont	Sayre
Bixby	Emerson	Loomis	Schoonmaker
Booth	Gerard	McCarthy	Selkreg
Bradley	Hammond	Moore	Starbuck
Carpenter	Harris	Morrissey	Vedder
Cole	Jacobs	Robertson	Wellman
Coleman	Kennaday	St. John	Woodin
			28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The President announced the special order, being the adverse report of the committee on the judiciary upon the bill entitled "An act to relieve married women from disabilities in transacting business."

Mr. Schoonmaker moved that said report be taken from the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker moved that the consideration of said report be made a special order for this evening, at 8 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The President presented the Annual Report of the Trustees of the Cooper Union for the advancement of Science and Art, for the year 1875; which was laid upon the table and ordered printed.

(See Doc. No. 53.)

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a committee, to consist of two members of the Senate and three of the Assembly, be appointed to consider what officers and employees of the two houses may be dispensed with, and what reductions may be made in the salaries and per diem compensation of others, without hindrance to the public service; and that such committee be directed to report their conclusion by bill, on or before the 25th of the present month.

*Ordered*, That said resolution be laid upon the table.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the extension of the time for the collection of taxes in the several towns in the county of Ulster, State of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Schoonmaker
Bradley	Hammond	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin

28

On motion of Mr. Schoonmaker and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

"An act to authorize the extension of the time for the collection of taxes in the several towns in the county of Erie," was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Bradley	Hammond	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Kennaday	Rogers	Tobey
Coleman	Lamont	St. John	Wellman

24

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended and the clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

"An act to extend the time for the collection of taxes in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Bixby	Hammond	Moore	Sayre
Bradley	Jacobs	Morrissey	Schoonmaker
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Tobey
Coleman	Loomis	Rogers	Wellman
Doolittle			

25

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assem-

bly, immediately, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to incorporate the Endowment and Annuity Company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act for the mortgaging or sale of lands belonging to the estate of Jesse Browne, deceased," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe keeping and guarantying of personal property,' passed June 21, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act in relation to that portion of the Great Western Turnpike Road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act authorizing and empowering the commissioners of public works of the city of Rochester to construct a turntable or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to allow the redemption of certain lands sold for taxes in the city of Rochester, at 7 per cent interest," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to amend chapter 125 of the Laws of 1842, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to incorporate the Chautauqua Lake Sunday School Assembly," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of \$100,000, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central Railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Tobey
Coleman	Loomis	St. John	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Sayre
Carpenter	Harris	Moore	Starbuck
Cole	Jacobs	Morrissey	Tobey
Doolittle	Kennaday	Robertson	Vedder
Emerson	Lamont	Rogers	Woodin
Gerard	Loomis	St. John	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Schoonmaker
Bradley	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin
Gerard	McCarthy	Sayre	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the settlement of bills of exception in criminal actions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Schoonmaker
Bradley	Harris	Prince	Selkreg
Cole	Kennaday	Robertson	Starbuck
Coleman	Lamont	Rogers	Vedder
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin
Gerard			25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to children," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, the title thereof was amended, so as to read as follows:

"An act to prevent and punish wrongs to children."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Schoonmaker
Bradley	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin
Doolittle	Loomis	St. John	27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the official acts of Charles A. Dolson, as notary, public, in the county of Allegany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Schoonmaker
Bradley	Harris	Morrissey	Selkreg
Cole	Kennaday	Robertson	Starbuck
Coleman	Lamont	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin
Gerard	McCarthy	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to proceedings under title 1, chapter 5, of part 2 of the Revised Statutes, for the discharge of insolvent or imprisoned debtors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Booth	Harris	Morrissey	Schoonmaker
Bradley	Jacobs	Robertson	Selkreg
Carpenter	Kennaday	Rogers	Starbuck
Coleman	McCarthy	St. John	Wellman
Doolittle	Moore	Sayre	Woodin
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Emerson moved that the bill entitled "An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof or relating to the city of Rochester," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act regulating the forfeiture of life insurance policies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act constituting the first election district in the town of German Flats, in the county of Herkimer, a separate excise district, and authorizing the election of commissioners therein," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Starbuck offered the following :

*Whereas*, By the Constitution of this State, it is provided that the Governor "shall communicate, by message, to the Legislature, at every session, the condition of the State;" and,

*Whereas*, In the performance of the duty so enjoined, his Excellency the Governor did, at the commencement of the present session, so communicate, by a message of more than usual interest, evincing great

research, and enforcing, with marked ability, correct constitutional principles; and,

*Whereas*, The investigating commission composed of John Bigelow, D. Magone, Jr., A. E. Orr and John D. Van Buren, Jr., have executed the trust reposed in them with unswerving and impartial fidelity, and with distinguished intelligence and ability; and,

*Whereas*, The measures of reform instituted by the Governor and aided by the commission, by effectually breaking up an organized system of frauds upon the treasury, have been and will be of inestimable service in elevating the standard of official integrity, and in relieving the people from oppressive taxation; and,

*Whereas*, The majority of this body, after having made unjust imputations against the Governor and the commission, have, by their votes, denied the right of reply, and have thus sought to shield party leaders from arraignment for their opposition to reform, and for their alliance with and support of the detected plunderers of the treasury; and,

*Whereas*, The present federal administration has, in numerous particulars, manifested a disregard of the rights of the States and of the people; legislated oppressively against labor; asserted the superiority of the military over the civil power; assumed powers never delegated, and sought to nullify constitutional limitations, and to build up a consolidated government of unlimited powers; therefore

*Resolved*, First. That his Excellency the Governor and the several members of the investigating commission are entitled to the thanks of the people of this State for the distinguished ability and marked fidelity with which they have performed their respective duties. Second. That the marked departure of the federal administration from the principles on which the government was founded, and the wide-spread corruption now known to exist amongst those by whom the administration is conducted, are just cause of apprehension and alarm; and that it is the duty of all patriotic citizens to combine for the purpose of rescuing the government from the hands of those by whom it has been betrayed, and of securing against the offenders the punishment due to their crimes.

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Vedder, the Senate took a recess until half-past seven o'clock.

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#### HALF-PAST 7 O'CLOCK, P. M.

The Senate again met.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend sections 44 and 48, article 4, title 6, chapter 5, part 1, of the Revised Statutes, relative to the removal of county officers."

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof, or relating to the city of Rochester."

"An act to repeal an act entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places, in the city of New York,' passed May 20, 1869."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read "An act to further amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The hour of eight o'clock having arrived, the President announced the special order, being the question of agreeing to the adverse report of the committee on the judiciary upon the bill entitled "An act to relieve married women from disabilities in transacting business."

After debate,

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Robertson	Vedder	
Bixby	Kennaday	Rogers	Wagner	
Bradley	Loomis	Selkreg	Wellman	
Cole	Moore	Tobey	Woodin	16

FOR THE NEGATIVE.

Coleman	Gerard	Prince	Schoonmaker	
Doolittle.	Harris	St. John	Starbuck	
Emerson	Morrissey	Sayre		11

Said bill was rejected.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to exchange the same for the capital stock of said company," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to sell and dispose of the same."

On motion of Mr. Emerson, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Morrissey	Tobey
Bradley	Hammond	Prince	Vedder

Cole	Harris	Robertson	Wagner	
Coleman	Kennaday	Rogers	Wellman	
Doolittle	Loomis	Sayre	Woodin	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Vedder, the Senate adjourned.

## WEDNESDAY, MARCH 15, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to authorize the canal commissioners to construct a road bridge over the Erie canal, in the village of Albion, in the county of Orleans," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a Metropolitan Sanitary District and Board of Health therein, for the preservation of life and health, and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' and chapter 530 of the Laws of 1875, entitled 'An act to amend an act and the title of an act, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April 21, 1874,' so far as the same relates to the county of Steuben,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend chapter 832 of the Laws



of 1873, entitled 'An act to incorporate the Central Trust Company of New York,' passed June 25, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act further to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester.'"

"An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to sell and dispose of the same."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 595 of the Laws of 1873, entitled 'An act in relation to certain negotiable corporate bonds and obligations,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 195 of the Laws of 1848, entitled 'An act to provide for taking the acknowledgments of deeds and other written instruments by persons residing out of the State of New York,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the concurrent resolution proposing an additional section to article 6 of the Constitution, consolidating the court of common pleas, the superior court, and the supreme court in the city of New York, reported in favor of the passage of the same, with amendments, and said bill was recommitted to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enable a wife to be a witness against her husband or on behalf of another party, in cases of criminal conversation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the filing of security for the payment of damages and costs by the plaintiffs in actions or proceedings against physicians, surgeons and dentists, for damages or punishment for malpractice," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize surrogates to appoint receivers of real estate in certain cases," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That the joint rules of the last Legislature be the joint rules for the present session until otherwise ordered, and that the same be referred to the committee on rules of each House for revision.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to sell and dispose of the same."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to establish free and unrestricted intercourse between the people of the different sections of this State which are separated by any body of water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Prince moved that said bill be printed, pending its consideration by the said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to extend the time for the commencement and completion of the Brooklyn Elevated Railway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York, and authorizing them to act in all or either of said counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857, and to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to incorporate the grand lodge of the order of Hermans' Sons of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act for the relief of the 'Refuse' Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to make any rate of interest legal in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to further amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	St. John
Bixby	Emerson	Loomis	Sayre
Booth	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Vedder
Cole	Harris	Morrissey	Wagner
Coleman	Kennaday	Robertson	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act in relation to county treasurers."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of said bill, with amendments.

Mr. Hammond moved to amend the report of the committee of the whole, by striking out all after the enacting clause of the bill under consideration, and to insert the following :

SECTION 1. It shall be the duty of the board of supervisors of the several counties of this State, except the city and county of New York, to designate, by resolution, at every annual or any special session thereof a duly incorporated bank, banks or banking institutions in such county, and, in case there shall not be a good and solvent bank or banking institution in such county, then in an adjoining county within this State, for the deposit of all moneys received by the treasurer of such counties respectively for taxes, which bank, banks or banking institutions shall be required to pay such a rate of interest per annum, on the balances of money so deposited, as shall be agreed upon by and with such board of supervisors, and shall credit, every six months, the accrued interest to the account to which it may properly belong; and such treasurer is required to deposit in such bank or banks, daily, or as often as shall be required by said board, not less than once in each week, all such moneys received by him as such treasurer; and all losses which may be sustained by the default of any bank or banking institution so selected as afore-said shall be chargeable on such county, and the several boards of supervisors shall add such losses to the next year's taxes of such county.

§ 2. The bank, banks or banking institutions so designated shall, before receiving any such deposits, execute and deliver to such board of supervisors good and sufficient bonds, with two or more sureties, to be approved by the said board, and in such penalty as the said board shall fix, conditioned for the safe-keeping and payment, on the order or warrant of said treasurer, or of the State Treasurer, countersigned by the Comptroller, of such deposits, or for the payment of such bonds or coupons as by their terms are made payable at a bank or banks, and for the payment of which a deposit shall be made by such treasurer, which bond or bonds shall be filed with the clerk of said county.

§ 3. Such county treasurers shall draw the moneys thus deposited only for the payment of claims ordered to be paid by the board of supervisors or other lawful authority; and if any such treasurer shall draw any of such moneys, or appropriate the same for any other purpose, it shall be deemed malfeasance in office, and sufficient cause for removal in the manner herein provided.

§ 4. The Governor is hereby authorized to remove any county treasurer from office, and to declare such office vacant, whenever it shall appear that said treasurer has misappropriated any of the funds or securities which have been or shall be received by him, or shall neglect to deposit, as herein required, or has been guilty of malfeasance, upon giving such officer a copy of the charges against him, or by leaving the same at his last place of residence, and an opportunity of being heard in his defense. And the board of supervisors of said county, at the annual or any special meeting thereof, is hereby authorized to appoint, by ballot, a treasurer to fill such vacancy.

The treasurer so appointed shall hold his office, subject to be removed as herein provided, until his successor shall be elected at the next general election occurring after such removal or vacancy, and shall have duly qualified.

§ 5. Such treasurer, whether elected or appointed, shall receive for his services, as such treasurer, an annual salary, to be fixed by the board of supervisors. He shall not receive to his use any interest, fees or other compensation for his services as such treasurer, except in proceedings for sale of land for sale of unpaid taxes, as may be now provided for by

law. But such board of supervisors may authorize the appointment by such treasurer of a clerk or such other assistants in his office as may be deemed necessary by such board, the salary or other compensation of such clerks or assistants to be fixed and determined by such board, and to be a county charge.

§ 6. Such county treasurer shall also, at the time or times required under the first section of this act, make a special deposit, to the credit of the State Treasurer, in the bank or banks designated as aforesaid, of all moneys collected on account of the "State tax" in the said several counties, and paid over to them as such treasurers, and shall, on or before the fifth day of each month, until the full quota of State taxes due from said county for the year shall be thus deposited, transmit to the Treasurer and Comptroller a true statement of the amount of such deposits. Such county treasurer shall also furnish the Treasurer and Comptroller with a copy of the statement required to be made by the ninth section of this act.

§ 7. The said bank, banks or banking institutions shall open an account with the State Treasurer of the moneys deposited as provided in the last preceding section, and pay the same on the drafts of the State Treasurer, countersigned by the Comptroller, under such regulations as said Treasurer and comptroller shall prescribe.

§ 8. The several county treasurers shall keep an accurate account of all moneys received, deposited and paid out by them, and shall, quarterly, or as often as the board of supervisors shall, by resolution, require, make a correct and true statement thereof in writing, which statement shall be verified by oath before a notary public, or other proper officer, as to its correctness, and filed with the county clerk. Such statement shall be published also, as soon thereafter as may be, in the newspapers designated by the said board for the publication of the session laws in said county.

§ 9. Every county treasurer who shall willfully misappropriate any of the funds or moneys or securities which shall be received by him as such treasurer, or who shall draw out any of the moneys so deposited, in violation of the provisions of the law, or is guilty of any willful disobedience of the lawful directions of the Comptroller of this State, or of the board of supervisors of the county of which he shall be treasurer, or of malfeasance or willful neglect of duty in his office, upon conviction thereof, shall be punished by a fine not less than \$500 nor more than \$10,000, or imprisoned in a State prison not less than one year nor more than ten years, or by both such fine and imprisonment, in the discretion of the court.

§ 10. No person shall be eligible to the office of county treasurer for a second term, for the next three years after the termination of any full term for which he may have been elected.

§ 11. All acts and parts of acts, inconsistent with this act, are hereby repealed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Bixby	Emerson	Lamont	Robertson
Bradley	Hammond	Prince	

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**FOR THE NEGATIVE.**

Baaden	Harris	Rogers	Tobey
Booth	Kennaday	St. John	Vedder

Carpenter	McCarthy	Sayre	Wagner
Cole	Moore	Schoonmaker	Wellman
Coleman	Morrissey	Selkreg	Woodin
Doolittle			

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The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Woodin, the Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, asking him to return, for amendment, Assembly bill No. 210, extending the time for the collection of taxes in the county of Richmond.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Doolittle, the Senate adjourned.

## THURSDAY, MARCH 16, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Schoonmaker presented a remonstrance of residents of Coxsackie, Greene county, against the passage of a law authorizing the Fishkill and Newburgh Railroad Bridge Company to maintain a bridge across the Hudson river; which was read and referred to the committee on railroads.

The President presented the Thirty-first Annual Report of the Prison Association of the State of New York, which was laid upon the table and ordered printed.

(See Doc. No. 54.)

Mr. Rogers, from the committee on commerce and navigation, to which was referred the bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the commissioners of docks of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to

Grand street, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the commissioners of the sinking fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street, in the city of Brooklyn," and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend an act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks, passed April 23, 1866," reported the same for the consideration of the Senate.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," reported the same for the consideration of the Senate.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to authorize the Commissioners of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to the Cortland Soldiers' Monumental Association, for the purposes of the erection, maintenance and protection of a soldiers' monument," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to make any rate of interest legal in certain cases," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to county treasurers."

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the Assembly bill entitled "An act making appropriations for the support of government," with a message that they had non-concurred in the amendments of the Senate thereto, request a committee of conference thereon, and appointed a committee on their part consisting of Messrs. Forster, Hogeboom, Monroe, Sherman and Talmage.

Mr. Harris moved that a like committee be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris, McCarthy and Hammond.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to alter the judicial districts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend section 48 of article 3, title 4 chapter 7, part 3, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and said bill was ordered considered in the first committee of the whole.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act in relation to highway bridges over railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release to John I. Cooke, otherwise called Eli Plank, of the city of Albany, county of Albany, and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the said city of Albany died seized," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to release to John I. Cooke, otherwise called Eli Plank, and Mary Eliza



Castle, both of the city of Albany, county of Albany, and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the said city of Albany died seized," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 2, chapter 1, part 2, of the Revised Statutes, entitled 'Of powers,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Bridget Porter the right, title and interest of the people of the State of New York in and to certain real estate in the twenty-fourth ward of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the payment of the expenses incurred in trials of convicts for crimes committed in the State prisons," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Albany to Mary Eliza Castle of said city," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Prince, from the committee on miscellaneous corporations to which was referred the bill entitled "An act to amend chapter 613 of Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guarantying of personal property,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act in relation to county treasurers," having been announced for a third reading,

Mr. Woodin moved to recommit said bill to the committee on the judiciary, with instructions to amend the same as follows:

Section 1, strike out the words "from taxes, or from any other source, for any public use or purpose."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Coleman	McCarthy	Starbuck
Booth	Doolittle	Morrissey	Vedder
Bradley	Emerson	St. John	Wagner
Carpenter	Hammond	Sayre	Wellman
Cole	Lamont	Selkreg	Woodin

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#### FOR THE NEGATIVE.

Harris	Moore	Robertson	Schoonmaker
Loomis	Prince	Rogers	

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The bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under

mortgage, and providing for the formation of new companies in such cases," having been announced for a third reading,

Mr. McCarthy moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Robertson	Vedder
Bradley	Harris	Rogers	Wagner
Carpenter	Kennaday	St. John	Wellman
Coleman	Moore	Sayre	Woodin
Gerard	Prince	Schoonmaker	

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FOR THE NEGATIVE.

Booth	Emerson	McCarthy	Selkreg
Cole	Jacobs	Morrissey	Starbuck
Doolittle			

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When the name of Mr. Emerson was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Emerson subsequently voted in the negative.

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message was received from His Excellency the Governor, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,  
ALBANY, March 16, 1876. }

*To the Senate:*

I have received the following resolution adopted on the 7th instant, viz:

*Whereas*, A vacancy occurred in the office of judge of the marine court of the city of New York, by reason of the decease of Alexander Spaulding, late one of the judges of said court; and,

*Whereas*, One James P. Sinnott has, since the happening of such vacancy, said to have been appointed judge of said marine court by the Governor; therefore,

*Resolved*, That His Excellency the Governor be and he is hereby respectfully requested to communicate to the Senate what action he has taken in respect to such appointment, and by what authority of law, if any, he has acted in the premises."

In reply to these inquiries, I have the honor to inform the Senate:

First. James P. Sinnott has been duly appointed to execute the duties of the office of justice of the marine court in the place of Alexander Spaulding, deceased, until the vacancy caused by the death of the said Spaulding shall be filled by election, in conformity to the Constitution and laws.

Second. The law under which the said appointment was made, is chapter 218 of the Laws of 1849, entitled "An act to provide for filling vacancies in office," passed February 3, 1849 (as amended by chapter 335 of the Laws of 1867), which provides as follows:

"§ 1. Whenever vacancies shall exist or shall occur in any of the offices of this State, where no provision is now made by law for filling the same, the Governor shall appoint some suitable person who may be eligible to the office so vacant or to become vacant, to execute the duties thereof until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which such officer could be, by law, elected; and the person so appointed to fill such vacancy shall possess all the rights and powers, and be subject to all the liabilities, duties and obligations of such officer, as they are now or may hereafter be prescribed by law."

The Constitution of 1846 abolished the system of an appointed judiciary, and provided for electing certain judicial officers as follows:

"All judicial officers of cities and villages, and all such judicial officers as may be created therein by law, shall be elected at such times and in such manner as the Legislature may direct." (Const., art. 6, § 18.)

The first act in relation to the marine court passed under this Constitution, was chapter 144 of the Laws of 1849, passed March 27, 1849, which provided for the election of two justices for the term of four years. The provision in respect to filling vacancies was as follows:

"In case of the death or resignation or vacancy arising from any other cause, of either of said justices or clerk, the 'Board of Supervisors' of said city shall immediately appoint some suitable person to 'fill the residue' of the term thus vacant." (§ 3.)

The next act in relation to the marine court material to be considered here, is chapter 389 of the Laws of 1852, entitled "An act in relation to the marine court of the city of New York," passed in pursuance of the mandate of the Constitution before recited, which provided that three judges of the marine court of the city of New York should be elected (§ 1); that the justices so elected should, immediately after the votes were counted, be classified by lot (§ 2); and that vacancies should be filled as follows:

"§ 3. After the expiration of the terms of office under such classification, the terms of office of all the justices of the marine court shall be six years, and one justice shall be elected at the expiration of every two years; and any vacancy occurring in the offices created by this chapter shall be filled in the manner prescribed by law for filling vacancies in the offices of the justices of the superior court of the city of New York."

This act was passed on the 17th day of April, 1852, and expressly repealed all former acts and parts of acts inconsistent with it. (§ 12.) The question is, what was "the manner prescribed by law" for filling vacancies in the office of justice of the superior court when this act took effect. That manner, whatever it may have been, was adopted by this act for the purpose of filling vacancies in the marine court.

Chapter 255 of the Laws of 1847, entitled "An act in relation to the superior court and the court of common pleas in and for the city and county of New York," contains the following provision for filling vacancies.

"§ 5. At the general election next preceding the time at which the term of office of any such justice or judge shall then expire, there shall be an election to fill such vacancy; and if a vacancy shall occur at any

time in the office of any such justice or judge, before his term shall have expired, by death, resignation, removal or otherwise, then such vacancy shall be filled for the residue of the unexpired term, at the next general election after the vacancy shall occur."

There are three classes of vacancies: First, those made by the expiration of the term, in which case an election for the full term fills the vacancy; second, a vacancy created by death, resignation, removal or other cause, before the term has expired, in which case the vacancy is said to be filled by election, at the next general election, for the residue of the unexpired term; and, third, a vacancy, previously unknown to the Constitution and laws, resulting from the adoption of the elective system—that is, a vacancy for the fractional part of the unexpired term between the happening of the event creating the vacancy and the commencement of the political year next succeeding the first annual election thereafter.

The act of 1847, relating to the Superior Court, provided for the filling of the first two classes of vacancies, but made no provision for filling the third class. Except for the general statute providing for the filling of vacancies for fractional periods, necessarily intervening before an election could be had and the person chosen could enter upon his office, our laws would leave this fractional period wholly unfilled.

For the express purpose of avoiding this result, growing out of the elective system, the Constitution which established that system ordained as follows:

"The Legislature shall provide for filling vacancies in office, and, in case of elective officers, no person appointed to fill a vacancy shall hold his office, by virtue of such appointment, longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy." (Art. 10, § 5.)

In obedience to this mandate, the Legislature passed the general law first above cited, enacting that, in all cases not expressly provided for, the Governor should appoint.

There was, in 1852, no other provision of law for the filling of these fractional vacancies in the Superior Court. The provision of the act of 1828, establishing the Marine Court (chap. 187), in which the word "vacancy" occurred, had no application, and had ceased to be in force for any purpose whatever. That provision was a mere incident to a system that had been swept away by the new Constitution. The only vacancy that it contemplated was a vacancy for a full term, to be filled by an appointment for a full term—an appointment in direct violation of the Constitution of 1846. But, besides this, the act of 1828 had been superseded and repealed by the act of 1849, which provided that all vacancies should be filled by the board of supervisors, and which, in express terms, repealed "so much of all acts and parts of acts heretofore passed as shall be inconsistent with the provisions of this act." (§ 16.)

The question has been raised as to whether the words in the act of 1852, relating to the Marine Court, "in the manner prescribed by law for filling vacancies in the office of justices of the Supreme Court," relate to the manner at that time prescribed by then existing laws, or relate to such manner as might be prescribed by future laws and future constitutions. This is not a question about which there can be the slightest possibility of doubt. A statute referring to other laws will be

held to mean laws then in existence, unless a contrary meaning is expressed. But in no case could that statute, in the phrase "prescribed by law," be supposed to mean a constitutional amendment adopted seventeen years afterward. The words "prescribed by law" are, in this case, equivalent to "prescribed by the Legislature." This act was passed under the Constitution of 1846, and this Constitution devolved upon the Legislature the duty of providing for vacancies in office. And the word "Constitution," in our system, is habitually used in contradistinction to the word "law." We speak of "the Constitution" and "the laws" in common parlance.

There is nothing in the language of the act of 1852 to countenance a construction which would make that act shifting and ambulatory in attendance upon all future laws and constitutions affecting a court with which it had no connection, for it must be remembered that in 1852 the Marine Court and the Superior Court bore no relation to each other which could make it probable that the Legislature of that year wished to make the mode of filling vacancies in the one follow future changes of laws and constitutions in respect to the other. At any rate, that Legislature failed to say so, and we must obey the law, so long as it stands, according to the principles of construction universally accepted in our jurisprudence.

It may be proper to add that a question of this character was recently adjudicated by Judge Hamilton W. Robinson, of the Court of Common Pleas, and decided in accordance with these views, and that his decision was affirmed on appeal to the General Term of that court.

In conclusion, I may be permitted to add that it would have been perfectly agreeable to me to have submitted this appointment to the Senate, if I could have done so without committing the solecism of inviting a co-ordinate branch of the government, to which I owe, by duty and by inclination, every official comity, to assume a function in a case of which the Constitution and the laws give it no jurisdiction, and in which its action, whatever it might be, would be totally void. The Constitution and the laws cast on me the obligation to decide, in the first instance, whether it is my duty to appoint or to nominate to the Senate, and in doing so in this case I have simply endeavored to obey the law.

SAMUEL J. TILDEN.

Mr. Bixby moved that said message be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 55.)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 48 of article 3, title 4, chapter 7, part 3 of the Revised Statutes."

"An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Robertson	Starbuck
Birby	Kennaday	Rogers	Vedder
Booth	Lamont	St. John	Wagner
Bradley	McCarthy	Sayre	Wellman
Doolittle	Moore	Selkreg	Woodin
Gerard			

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On motion of Mr. Rogers, and by unanimous consent, the rules were suspended and the clerk was ordered to deliver said bill to the Assembly, immediately, and request their concurrence therein.

Mr. Moore, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bradley moved that said bill be recommitted to the committee on internal affairs, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. St. John, and by unanimous consent, the bill entitled "An act to enlarge the powers of the Canal Board," was ordered considered in first committee of the whole.

On motion of Mr. Vedder, the Senate took a recess until half-past seven o'clock, P. M.

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HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Jacobs, and by unanimous consent, the Assembly bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street, in the city of Brooklyn," was ordered considered in first committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend section 48 of article 3, title 4, chapter 7, part 3 of the Revised Statutes."

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to prevent the use and occupation of the Battery, and other public parks in the city of New York, for railroad purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the special committee, to investigate in respect to the departments of the government of the city of New York, presented a report thereon, which was laid upon the table and ordered printed.

(See Doc. No. .)

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the commissioners of the sinking fund of the city of New York to sell at public auction the lease of the ferry

from Grand street, in the city of New York, to Grand street, in the city of Brooklyn."

"An act to enlarge the powers of the Canal Board."

"An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Woodin, the Senate adjourned.

## FRIDAY, MARCH 17, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter presented a petition of citizens of the counties of Dutchess and Orange, in favor of the "Fishkill and Newburgh Railroad and Bridge Company," to maintain a bridge across the Hudson river; which was read and referred to the committee on railroads.

Also a remonstrance of citizens of Hudson against the maintenance of such bridge; which was read and referred to the committee on railroads.

Mr. Morrissey presented seven remonstrances of citizens of New York upon the same subject; which was read and referred to the committee on railroads.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the twenty-third section of article 1, title 4, chapter 2, part 4 of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act in relation to county treasurers,"

reported in favor of the passage of the same, with amendments, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870."

"An act to enlarge the powers of the Canal Board."

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and said bill was ordered considered in first committee of the whole.

"An act to authorize the city of Buffalo to issue its certificates of indebtedness for the purpose of raising money to supply a deficiency in the poor department of the city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the appointment of an additional number of notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *March 16, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to extend the time for the collection of taxes in the county of Richmond."

The vote upon the final passage of the same having been reconsidered, on motion of Mr. Townsend, and by unanimous consent, the same was amended as follows:

(Reference to engrossed bill.) Section 1, line 3, after the word "of," strike out the word "June," and insert in lieu thereof the word "May."

Section 1, line 9, after the word "of," strike out the word "June," and insert in lieu thereof the word "May."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Booth	Hammond	Moore	Schoonmaker
Bradley	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Vedder



Coleman  
Doolittle

Lamont  
Loomis

St. John

Woodin

26

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby  
Booth  
Carpenter  
Cole  
Coleman  
Doolittle

Gerard  
Jacobs  
Kennaday  
Lamont  
Loomis  
McCarthy

Moore  
Prince  
Robertson  
St. John  
Sayre  
Schoonmaker

Selkreg  
Starbuck  
Vedder  
Wellman  
Woodin

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to confirm the official acts of L. W. Emerson, as a notary public of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs, so as to provide for the appointment of a superintendent of public works of the village of Saratoga Springs, and abolish the office of superintendent of the village and of the water-works of said village,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act further to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the payment of certain moneys out of the State Treasury to the heir-at-law, etc., of James Green, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading, and printed.

The bill entitled "An act in relation to county treasurers," having been announced for a third reading,

Mr. Kennaday moved that said bill be recommitted to the committee on the judiciary, with instructions to amend by excepting the county of Kings from the provisions of the bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Rogers, and by unanimous consent, said bill was amended by adding, at the end of section 5, the following:

"But in any county where any tax shall be collected by such treasurer, he shall be entitled to retain to his own use all charges and percentages provided by law for the collection thereof."

On motion of Mr. Rogers, and by unanimous consent, said bill was further amended, as follows:

Add to section 5 the following:

"It shall be the duty of the board of supervisors to fix the salary of any treasurer hereafter elected at least six months before his election, and such salary shall not be increased or diminished during his term of office."

On motion of Mr. Coleman, and by unanimous consent, said bill was further amended as follows:

Add to section 5: "No county treasurer shall purchase or be directly or indirectly interested in the purchase of any claim whatever against the county of which he is the treasurer."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Vedder
Coleman	McCarthy	St. John	Wellman
Doolittle	Moore	Sayre	Woodin
Gerard			

25

#### FOR THE NEGATIVE.

Carpenter

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Booth	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Gerard	Moore	Schoonmaker	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to repeal chapter 930 of the Laws of 1869, entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Prince	Selkreg
Booth	Jacobs	Robertson	Starbuck
Bradley	Kennaday	Rogers	Vedder
Cole	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Gerard	Moore	Schoonmaker	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department, in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Selkreg
Booth	Jacobs	Rogers	Starbuck
Cole	Kennaday	St. John	Vedder
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore	Schoonmaker	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend sections 44 and 48, article 4, title 6, chapter 5, part 1, of the Revised Statutes, relative to the removal of county officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Schoonmaker
Booth	Hammond	Prince	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Vedder
Cole	Loomis	St. John	Woodin
Coleman	McCarthy	Sayre	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Kennaday offered the following:

*Resolved*, That when the Senate adjourns to-day, it be to meet on Monday evening next at half-past seven o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Jacobs offered the following:

*Resolved*, That the judiciary committee be requested to report to the Senate whether, in their opinion, the Legislature can constitutionally remove from office officials elected by the people, as is provided in the bill now before them reorganizing the board of charities of Kings county.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Starbuck called from the table the Assembly concurrent resolution in the words following:

*Resolved* (if the Senate concur), That a committee, to consist of two members of the Senate and three of the Assembly, be appointed to consider what officers and employees of the two houses may be dispensed with, and what reductions may be made in the salaries and per diem compensation of others, without hindrance to the public service; and that such committee be directed to report their conclusion by bill, on or before the 25th of the present month.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee on the part of the Senate Messrs. Harris and Starbuck.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, and have appointed a committee thereon.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to further amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 314, Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hammond moved that the Senate hold an executive session at half-past twelve o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

• The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to amend section 48 of article 3, title 4, of chapter 7, part 3, of the Revised Statutes."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county."

Assembly, "An act to legalize and confirm the official acts of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution."

Assembly, "An act to amend an act entitled 'An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Doolittle, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Schoonmaker
Booth	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	St. John	Wellman
Coleman	Kennaday	Sayre	Woodin
			24

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Kennaday, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Kennaday, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend chapter 328 of the Laws of 1873, entitled 'An act to amend an act entitled An act to provide for an additional supply of water in the city of Albany, passed March 20, 1868,'" which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage-house in said city," was ordered considered in first committee of the whole.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and the bill entitled "An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company."

Assembly, "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington hose carriage-house in said city."

"An act to establish a State board of audit, and to define its powers and duties."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Prince moved that the further consideration of said bill be made a special order for Tuesday morning next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The hour of twelve o'clock and 30 minutes having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened, and the Senate resumed legislative business.

On motion of Mr. Cole, and by unanimous consent, the Assembly bill entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage-house in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Sayre
Booth	Gerard	Morrissey	Schoonmaker
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Wellman
Cole	Loomis	Rogers	Woodin
Doolittle	McCarthy	St. John	

23

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Vedder, from the special committee appointed to draft resolutions relative to the death of Vice-President Henry Wilson, presented the following:

*Whereas*, On the 22d day of November, 1875, Hon. Henry Wilson, Vice-President of the United States, departed this life; therefore

*Resolved*, That while we bow in sorrow before this great public loss, we are grateful to that Providence which spared him to live so long and so worthily for the Union, for liberty, and for humanity.

*Resolved*, That these resolutions be entered at large upon the journal of the Senate, and, as a further tribute to his memory, the Senate do now adjourn.

C. P. VEDDER,

H. HARRIS,

JOHN R. KENNADAY, *Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Whereupon the Senate adjourned.

## MONDAY MARCH 20, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 17th, was read and approved.

Mr. Robertson presented a petition of Frederick Howe and others, for the confirmation of a deed from the trustees of the Lewis school fund of the town of Lewisboro to Stephen S. Denton; which was read and referred to the committee on the judiciary.

Mr. Bradley presented a remonstrance of citizens of Corning, against the repeal of any provisions of chapter 392 of Laws of 1873, providing for the support of Corning library; which was read and referred to the committee on literature.

Also a petition of residents of the town of Corning, for the repeal of said provisions.

Mr. Carpenter presented two remonstrances of citizens of Barrytown Landing and Linlithgow, against a law authorizing the Fishkill and Newburgh Railroad Bridge Company to maintain a bridge across the Hudson river; which were read and referred to the committee on railroads.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath."

"An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in

Lunacy,' passed May 12, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers,' passed June 1, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to repeal section 2 of chapter 487 of the Laws of 1875, entitled 'An act to alter the commissioners' map of the city of Brooklyn, and for other purposes,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 451 of the Laws of 1867, entitled 'An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act passed April 18, 1874, entitled 'An act to amend an act passed April 18, 1859, entitled An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary, passed April 12, 1858, to all the counties in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the out-door poor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend the act entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties," passed April 29, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the filling up of 'sunken lots in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the sale of a part of the poor-house farm, so called, situate in the town of Oswego; also certain land in the city of Oswego, known as the public square block," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal chapter 38 of the Laws of 1874, entitled 'An act for the disposition of excise moneys and fines for intoxication within the village of Monticello,' passed February 27, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



"An act to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Assembly sent for concurrence a resolution in the words following :

*Whereas*, At the annual session of the Legislature for the year 1875, a proposed amendment to the Constitution was agreed to by concurrent vote of the Senate and Assembly, viz :

*Resolved*, That section 4 of article 5 of the Constitution be amended so as to read as follows :

"§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of the State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense."

*And, whereas*, The said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their respective journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

*And, whereas*, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore,

*Resolved* (if the Senate concur), That the said amendment be agreed to by the two houses comprising the present Legislature.

Mr. Woodin moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11,

1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May 2, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to confirm a deed from the trustees of the Lewis School Fund, in the town of Lewisboro, in the county of Westchester, to Stephen S. Denton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Gerard	Moore	Selkreg
Bradley	Hammond	Robertson	Starbuck
Carpenter	Harris	Rogers	Vedder
Cole	Lamont	St. John	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Gerard	Robertson	Selkreg
Booth	Harris	Rogers	Starbuck
Bradley	Loomis	St. John	Vedder
Carpenter	McCarthy	Sayre	Woodin
Coleman			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Booth	Hammond	Robertson	Starbuck
Bradley	Harris	Rogers	Vedder
Cole	Lamont	St. John	Woodin
Coleman	Loomis	Sayre	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the official acts of Jeffrey F. Thomas as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Gerard	Moore	Selkreg
Bradley	Hammond	Robertson	Starbuck
Carpenter	Harris	Rogers	Vedder
Cole	Lamont	St. John	Woodin
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

"An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers.'"

Assembly, "An act in relation to wills of personal estate."

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of the State be amended, by adding thereto the following section :

"SECTION 29. On the first day of January, 1879, the court of common pleas for the city of New York, and the superior court of the city of New York, shall cease to exist, and all the jurisdiction of said courts shall vest in, and all the judges of said courts then in office shall become justices of the supreme court; and any judicial power as a county judge, and any other special authority and jurisdiction now vested in either of the courts hereby abolished, or in any or either of the judges thereof shall vest in the justices of the supreme court for the first department, and thereupon the judges so transferred shall hold their places for the remainder of the respective terms for which they shall have been chosen or appointed, and suits, actions, appeals, motions, and proceedings then pending in the courts so abolished, shall be and become immediately

transferred to the supreme court for the first department, without prejudice to any undertaking, bond, pleading, deposition, or other entry or proceeding previously had therein; and thereafter there shall be seventeen justices of the supreme court for the first department (which shall consist of the city and county of New York), chosen or appointed as provided by the Constitution of the State, and the salaries of all said justices, except five, shall be provided for and paid by the city of New York. The general term of the first department shall hereafter consist of five justices, of whom three may constitute a quorum, all of whom shall be designated in the manner in which general term justices are now, or shall hereafter be authorized by law to be designated."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that, in conformity to section first of article thirteenth of the Constitution, it be published for three months previous to the time of such election.

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported progress on the said bills, and asked and obtained leave to sit again.

Mr. Vedder, from the same committee, reported adversely to the adoption of said resolution.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said resolution was rejected.

On motion of Mr. Doolittle, the Senate adjourned.

## TUESDAY, MARCH 21, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President presented a communication and documents from Board of Education of the city of New York, relative to certain amendments to the act to secure to children the benefits of an elementary education, passed May 11, 1874, which was laid upon the table and ordered printed.

(*See Doc. No. 57.*)

Also, the proceedings of the canal board relative to the adoption of a toll sheet for the year 1876, which was laid upon the table and ordered printed.

(*See Doc. No. 58.*)

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 328 of the Laws of 1873, entitled 'An act to amend an act entitled An act to provide for an additional supply of water in the city of Albany, passed March 20, 1868.'"

"An act to authorize the commissioners of the sinking fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street, in the city of Brooklyn.

"An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage-house in said city."

"An act to amend sections 44 and 48 of article 4, title 6, chapter 5, part 1, of the Revised Statutes, relative to removal of county officers."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the overseer and assistant overseer of the poor in the city of Syracuse to administer oaths and take affidavits in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village of Saratoga Springs,' passed April 21, 1871," reported in favor of the passage of the same, with the title amended so as to read "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs,'" and said bill was committed to the committee of the whole.

Mr. Harris presented the following report:

*To the Legislature:*

Your committee of conference, to which was referred the matters of difference between the two Houses, upon Assembly bill entitled "An act making appropriations for support of government," beg leave respectfully to report:

That they met and have duly considered the matters referred to them and have agreed to recommend that the Assembly do concur in the following amendments to the bill as now proposed by the Senate, viz.: (reference in all cases being made to engrossed bill.)

Strike out in lines 18, 19 and 20, on page 1, the following, "pursuant to chapter six hundred and forty-three of the Laws of eighteen hundred and seventy-three."

In lines 23 and 24, same page, the following, "pursuant to chapter three hundred and seventy-three of the Laws of eighteen hundred and seventy-five."

In lines 25 and 26, same page, the following, "Revised Statutes, volume one, page five hundred and nine."

In line 28, same page, the following, "Revised Statutes, volume one, page five hundred and nine."

In lines 31 and 33, same page, the following, "Revised Statutes, volume one, page five hundred and nine."

In lines 5, 6, 7 and 8, page 2, the following, "pursuant to chapter two hundred and three of the Laws of eighteen hundred and seventy, and chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one."

In lines 9, 10, 11 and 12, same page, the following "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 12, 13 and 14, same page, the following, "pursuant to chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one."

In lines 15, 16 and 17, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 18 and 19, same page, the following, "pursuant to chapter five hundred and forty-two of the Laws of eighteen hundred and seventy-two."

In lines 23 and 24, same page, the following, "pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine."

In lines 25 and 26, same page, the following, "pursuant to chapter two hundred and thirty-eight of the Laws of eighteen hundred and seventy-one."

In lines 31, 32 and 33, same page, the following, "pursuant to chapter four hundred and eight of the Laws of eighteen hundred and seventy, and chapter four hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 3 and 4, page 3, the following, "pursuant to chapter four hundred and eight of the Laws of eighteen hundred and seventy."

In lines 7, 8 and 9, same page, the following, "pursuant to chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five."

In lines 10, 11 and 12, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 14 and 15, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 19 and 20, same page, the following, "pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine."

In lines 24 and 25, same page, the following, "Revised Statutes, volume three, page nine hundred and thirty."

In lines 27 and 28, same page, the following, "Revised Statutes, volume one, page four hundred and eighty-nine."

In lines 29, 30 and 31, same page, the following, "pursuant to part one, chapter eight, title five, section six, of the Revised Statutes."

In lines 35 and 36, same page, and line 1, page 4, the following, "pursuant to chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five."

In lines 4, 5 and 6, page 4, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 16, 17 and 18, same page, the following, "pursuant to chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five."

In lines 19 and 20, same page, the following, "Revised Statutes, volume one, page five hundred and five."

In lines 22, 23 and 24, same page, the following, "pursuant to chapter six hundred and forty-three of the Laws of eighteen hundred and seventy-three."

In lines 32 and 33, same page, the following, "pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four."

In lines 13, 14 and 15, page 5, the following, "pursuant to chapter four hundred and forty-two of the Laws of eighteen hundred and seventy-two."

In lines 17 and 18, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 20, 21 and 22, same page, the following, "pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine."

In lines 26 and 27, same page, the following, "pursuant to chapter five hundred and sixty-seven of the Laws of eighteen hundred and seventy-five."

In lines 28 and 29, same page, the following "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In line 35, same page, and in lines 1 and 2, page 6, the following, "pursuant to part one, chapter fifteen, title two, section eleven of the Revised Statutes, and chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four."

In lines 4, 5 and 6, page 6, the following, "pursuant to chapter three hundred and seventy-three of the Laws of eighteen hundred and seventy-five, for salaries."

In lines 9 and 10, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 17 and 18, same page, the following, "pursuant to chapter three hundred and ninety-eight of the Laws of eighteen hundred and seventy-four."

In lines 33, 34 and 35, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 2, 3 and 4, page 7, the following, "pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four."

In lines 17 and 18, same page, the following, "Revised Statutes, volume two, page five hundred and ninety."

In lines 33, 34, 35 and 36, same page, the following, "pursuant to chapter three hundred and twenty-six of the Laws of eighteen hundred and sixty-one, and chapter seven hundred and thirty-two, Laws of eighteen hundred and sixty-eight."

In lines 15, 16 and 17, page 8, the following, "pursuant to chapter three hundred and fifty-one of the Laws of eighteen hundred and seventy-four."

In lines 21, 22, 23 and 24, same page, the following "pursuant to Revised Statutes, volume two, page four hundred and sixty-seven, and chapter five hundred and forty-seven of the Laws of eighteen hundred and sixty-six."

In line 7, page 9, the following, "Revised Statutes, volume one, page four hundred and eighty."

In lines 14 and 15, same page, the following, "pursuant to chapter seven hundred and thirty-three of the Laws of eighteen hundred and seventy-two."

In lines 22 and 23, same page, the following, "pursuant to chapter six hundred and forty-three of the Laws of eighteen hundred and seventy-three."

In lines 3, 4 and 5, page 10, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 7 and 8, same page, the following, "per chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 10, 11 and 12, same page, the following, "pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two."

In lines 30, 31 and 32, same page, the following, "pursuant to chapter five hundred and fourteen of the Laws of eighteen hundred and seventy-two."

In lines 1, 2 and 3, page 11, the following, "pursuant to chapter five hundred and fifty-seven of the Laws of eighteen hundred and seventy."

In lines 17, 18, 19, 20 and 21, page 12, the following, "pursuant to chapter twenty-four of the Laws of eighteen hundred and forty-six, and chapter two hundred and forty, Laws of eighteen hundred and forty-seven, and chapter two hundred and fifty-four of the Laws of eighteen hundred and forty-seven."

In lines 33, 34, 35 and 36, same page, the following, "pursuant to Revised Statutes, volume one, page five hundred and six, and chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five."

In lines 8, 9 and 10, page 13, the following, "pursuant to chapter two hundred and eighty-two of the Laws of eighteen hundred and sixty-one."

In lines 26 and 27, same page, the following, "in pursuance of chapter four hundred and sixty-five, Laws of eighteen hundred and sixty-three."

In lines 3 and 4, page 14, the following, "pursuant to chapter one hundred and thirty of the Laws of eighteen hundred and fifty-eight."

In lines 8, 9 and 10, same page, the following, "pursuant to chapter one hundred and thirty-five of the Laws of eighteen hundred and forty-two, chapter five hundred and ninety-five of the Laws of eighteen hundred and sixty-seven, and chapter five hundred and eighty-seven of the Laws of eighteen hundred and seventy-three."

In lines 14 and 15, same page, the following, "pursuant to chapter two hundred and six, Laws of eighteen hundred and fifty-eight."

In lines 17, 18, 19, 20 and 21, same page, the following, "pursuant to chapter two hundred and twenty-eight of the Laws of eighteen hundred and forty-three, chapter three hundred and seventy-six of the Laws of eighteen hundred and fifty-one, and chapter two hundred and eighty-one of the Laws of eighteen hundred and seventy."

In lines 29, 30, 31, page 14, the following, "pursuant to chapter two hundred and thirty-three of the Laws of eighteen hundred and fifty-seven, and chapter seventy-three of the Laws of eighteen hundred and fifty-eight."

In lines 33, 34 and 35, same page, the following, "pursuant to chapter three hundred and twenty-five of the Laws of eighteen hundred and sixty-one."

In line 36, same page, and lines 1 and 2, page 15, the following, "pursuant to chapter one hundred and fifty of the Laws of eighteen hundred and forty-five."

In lines 5, 6, 7 and 8, page 15, the following, "pursuant to chapter eight hundred and thirty-nine of the Laws of eighteen hundred and sixty-seven, and chapter six hundred and forty-three of the Laws of eighteen hundred and seventy-three."

In lines 4, 5 and 6, page 16, the following, "pursuant to section thirty-six of chapter three hundred and forty-six of the Laws of eighteen hundred and fifty-nine."



In lines 10 and 11, same page, the following, "pursuant to chapter eighty of the Laws of eighteen hundred and seventy, and the acts amendatory thereof."

In lines 16, 17, 18 and 19, same page, the following, "pursuant to chapter two hundred and eight of the Laws of eighteen hundred and forty-eight, and chapter thirty-seven of the Laws of eighteen hundred and fifty."

In lines 31 and 32, same page, the following, "pursuant to chapter two hundred and fifty-four of the Laws of eighteen hundred and forty-seven."

In lines 22 and 23, page 17, the following, "Revised Statutes, volume one, page five hundred and forty-one."

In lines 25 and 26, same page, the following, "Revised Statutes, volume one, page four hundred and seventy-nine."

In lines 30, 31 and 32, same page, the following, "pursuant to chapter five hundred and thirty-six of the Laws of eighteen hundred and thirty-six."

In lines 1, 2 and 3, page 18, the following, "pursuant to chapter two hundred of the Laws of eighteen hundred and sixty-six."

In lines 5, 6 and 7, same page, the following, "pursuant to chapter three hundred and twenty-nine of the Laws of eighteen hundred and thirty-nine."

In lines 24 and 25, same page, the following, "pursuant to chapter ninety-seven of the Laws of eighteen hundred and fifty-two."

In lines 32 and 33, same page, the following, "pursuant to chapter one hundred and eighty of the Laws of eighteen hundred and seventy."

In lines 4, 5, 6 and 7, page 19, the following, "pursuant to chapter six hundred and seventy of the Laws of eighteen hundred and seventy-two, and chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four."

In lines 31, 32, 33, 34 and 35, page 20, the following, "in pursuance of chapter six hundred and sixty-one of the Laws of eighteen hundred and seventy-three, and chapter four hundred and sixty-four of the Laws of eighteen hundred and seventy-four."

In lines 9, 10 and 11, page 22, the following, "Revised Statutes, volume one, page five hundred and thirty-eight."

In lines 13, 14 and 15, same page, the following, "pursuant to chapter seventy-one of the Laws of eighteen hundred and fifty-six."

In lines 18, 19 and 20, same page, the following, "pursuant to chapter four hundred and fifty-seven of the Laws of eighteen hundred and thirty-six."

In lines 22 and 23, same page, the following, "Revised Statutes, volume one, page four hundred and ninety-six."

In lines 25 and 26, same page, the following, "Revised Statutes, volume one, page five hundred and fifty-four."

In lines 30, 31 and 32, same page, the following, "pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight."

In line 36, same page, and in line 1, page 23, the following, "Revised Statutes, volume two, page seventy-two."

In lines 5, 6 and 7, page 23, the following, "pursuant to chapter one hundred and fifty of the Laws of eighteen hundred and thirty-seven."

In lines 11, 12 and 13, same page, the following, "pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight."

In lines 15 and 16, same page, the following, "pursuant to chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-six."

In lines 18, 19 and 20, same page, the following, "pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight."

In lines 27, 28 and 29, same page, the following, "pursuant to chapter two hundred and thirty-five of the Laws of eighteen hundred and fifty-two."

In lines 31 and 32, same page, the following, "Revised Statutes, volume one, page four hundred and seventy-nine."

In lines 2, 3, 4 and 5, page 24, the following, "incurred in pursuance of chapters two hundred and twenty-six and three hundred and twenty-five of the Laws of eighteen hundred and sixty-five."

In lines 11, 12 and 13, same page, the following, "pursuant to chapter five hundred and eighty-five of the Laws of eighteen hundred and sixty-five."

In lines 17, 18 and 19, same page, the following, "pursuant to chapter five hundred and fifty-four of the Laws of eighteen hundred and sixty-eight."

In lines 28, 29 and 30, same page, the following, "pursuant to chapter six hundred and forty-three of the Laws of eighteen hundred and sixty-seven."

Insert at the end of line 11, on page 2, the following, "and two thousand dollars for clerk hire."

Insert after line 20, same page, the following, "for the messenger to the clerk of the court of appeals, and the State Engineer and Surveyor (the same messenger), for his annual salary, eight hundred dollars."

In lines 9 and 10, page 4, strike out the words "eight hundred," and insert the words "one thousand."

Insert, at the end of line 29, page 5, the words "five hundred."

In line 21, page 6, strike out the word "one" and insert the word "two," and strike out the word "eight" and insert the word "five."

After line 17, page 8, insert the following: "Quarantine Commissioners—for the Commissioners of Quarantine, for salaries to each of them, two thousand five hundred dollars."

In lines 22 to 29, inclusive, on page 12, strike out the following: "In the paper in each Senate district having the largest average circulation for the current year, that fact to be determined upon the affidavit of the publishers of the several papers published in such district, to be furnished to the Secretary of State on the first day of December, but in no other paper whatever than such one paper in each Senate district," and insert the following, "only in the State paper, at the public expense."

Insert, immediately preceding line 29, on page 17, the following:

"To the trustees of Washington's headquarters, at Newburgh, for compensation of superintendent, and for care, maintenance, repairs and improvement of grounds, the sum of one thousand dollars."

In line 2, page 19, strike out the word "thirty," and insert the word "forty."

In line 7, page 19, before the word "thousand," insert the word "twelve."

In line 27, page 19, strike out the word "fifty," and insert the word "eighty."

In line 28, same page, strike out the words "forty-five," and insert the words "fifty-four."

In line 2, page 20, strike out the word "forty," and insert the word "fifty-five."

After line 15, same page, insert the following:

**"STATE HOMŒOPATHIC ASYLUM.**

"For the State Homœopathic Asylum for the Insane, for salaries, eight thousand dollars, or so much thereof as may be necessary, and as the same may be approved by the Governor, Secretary of State and Comptroller, pursuant to chapter three hundred and twenty-three of the Laws of eighteen hundred and seventy-four."

In line 21, page 20, strike out the words "board of," and insert the words "Commissioners of Public."

From lines 22, 23, 24 and 25, same page, transpose the following, so as to follow line 30, same page.

"For the salary of the State Commissioner in Lunacy, four thousand dollars, and for traveling and other incidental necessary expenses of said commissioner, one thousand dollars, or so much thereof as may be necessary."

On line 7, page 22, insert the following, "payable from the school fund."

From line 5 to 13 inclusive, page 7, transpose the following: "For James Hall, as State Geologist, as compensation for services to be rendered for authorship, superintendence of drawings and engravings, for clerk hire and the use of working rooms for the arranging, labeling and distribution of the duplicate fossils and minerals, as the same may be fixed by the Lieutenant-Governor, Comptroller and Secretary of State, pursuant to chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, two thousand five hundred dollars" so as to follow line 16, page 10, and amend the same so as to read as follows:

"For James Hall, as State Geologist, as compensation for services to be rendered for authorship, superintendence of drawings and engravings, for clerk hire and the use of working rooms for the arranging, labeling and distribution of the duplicate fossils and minerals, as the same may be fixed by the Lieutenant-Governor, Comptroller and Secretary of State, two thousand five hundred dollars."

In line 35, page 16, strike out the following, "Inspectors of gas-meters."

From line 36, page 16, to line 14, page 17, inclusive, transpose the following:

"For inspectors of gas-meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the Laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the Laws of eighteen hundred and sixty-three, two thousand five hundred dollars, or so much thereof as may be necessary to pay the present inspector of gas-meters his salary to the end of his term of office, which amount shall be refunded to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the Laws of eighteen hundred and fifty-nine, but no payment shall be made by the comptroller upon such salary and expenses, until an amount equal to such payments shall be received by him from gas companies or some of them."

So as to follow line 28, page 17.

And your committee have further agreed to recommend that the Assembly do concur in the following amendment proposed by the Senate:

"For the arbitrator of the court of arbitration of the Chamber of Commerce, for salary, ten thousand dollars; and for the clerk of said court, for salary, three thousand dollars, which amount shall be refunded to the treasury, as provided in section twenty-nine of chapter four hundred and ninety-five of the Laws of eighteen hundred and seventy-five; but no payment shall be made for such salaries, under this or any former appropriation, until an amount equal to such payment shall be received into the State treasury from the fees collected by the clerk of said court, as provided in said act."

As amended in conference so as to read as follows:

"So much of the amount under any former appropriation appropriated to pay the salaries of the arbitrator of the court of arbitration of the Chamber of Commerce of the State of New York, and of the clerk of said court, as shall not be paid into the Treasury of the State from the moneys received by the clerk of said court for fees and paid over to the Treasurer, shall be paid by the mayor, aldermen and commonalty of the city of New York, and shall be paid by the comptroller of said city, and the board of estimate and apportionment shall appropriate the amount necessary to pay the same; and hereafter all of such salaries, as fixed by section six, chapter four hundred and ninety-five, of the Laws of eighteen hundred and seventy-five, not paid into the Treasury of the State, from fees, under section twenty-nine of said chapter four hundred and ninety-five, shall be paid by the mayor, aldermen and commonalty of the city of New York to said arbitrator and said clerk, and shall be paid by the comptroller of said city, and the board of estimate and apportionment shall appropriate annually the amount necessary to pay the same."

And your committee have further agreed to recommend that the Senate do recede from the following amendments to the bill, as proposed in the Senate, viz.:

Strike out lines 12 and 13, page 6, as follows: "For expenses incidental to holding examinations for State certificates, five hundred dollars."

Insert, after line 28, page 17, the following:

"For the compensation of the keeper of Washington's headquarters, three hundred dollars, as provided by chapter three hundred and seventy-three of the Laws of eighteen hundred and seventy-five."

And your committee have further agreed to recommend that the Senate do recede from the following amendment, from the bill as proposed in the Senate, viz.:

Strike out lines from 29 to 36 inclusive, as follows:

"For the salaries and allowances of the treasurer and resident officers of the State Inebriate Asylum, six thousand dollars, or so much thereof as the managers of that asylum shall determine to be necessary, subject to the approval of the Comptroller, pursuant to chapter six hundred and twenty-five of the Laws of eighteen hundred and seventy-three, and for expenses of said officers, six hundred dollars."

And that the Senate do concur in the same as amended in conference, so as to read as follows:

"For the salaries and allowances of the treasurer and resident officers of the State Inebriate Asylum, six thousand dollars, or so much thereof as the managers of that asylum shall determine to be necessary, subject to the approval of the Comptroller, pursuant to chapter 625 of the

Laws of 1873, and for traveling expenses of the trustees thereof six hundred dollars."

So that the bill complete, as agreed to by your committee of conference, shall read as follows:

AN ACT making appropriations for the support of government.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid, from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year eighteen hundred and seventy-six, namely:

FROM THE GENERAL FUND — EXECUTIVE DEPARTMENT.

For the Governor, for salary, ten thousand dollars.

For the Lieutenant-Governor, for salary, five thousand dollars.

For the private secretary of the Governor, for salary, three thousand five hundred dollars.

For the clerks and messengers in the executive department, including the military secretary and messenger, for full compensation, eleven thousand five hundred dollars.

For the executive department, for furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing and other incidental expenses, two thousand five hundred dollars.

For the executive department, for the apprehension of criminals, one thousand dollars.

For the executive department, for the apprehension of fugitives from justice (Revised Statutes, volume one, page five hundred and nine), one thousand dollars.

For the rent of the Governor's house, four thousand dollars.

JUDICIARY — COURT OF APPEALS.

For the judges of the court of appeals, for salaries and expenses, sixty-three thousand five hundred dollars.

For the State reporter, for salary, five thousand dollars, and two thousand dollars for clerk hire.

For the clerk of the court of appeals, for salary, five thousand dollars.

For the deputy clerk of the court of appeals, for salary, three thousand dollars.

For the clerks in the office of the clerk of the court of appeals, for salaries, four thousand five hundred dollars.

For the messenger to the clerk of the court of appeals and the State Engineer and Surveyor (the same messenger), for his annual salary, eight hundred dollars.

For furniture, books, binding, blanks, printing calendar, and other necessary expenses of the office of the clerk of the court of appeals, two thousand five hundred dollars.

For compensation of criers and attendants for the court of appeals, five thousand dollars.

SUPREME COURT.

For justices of the supreme court, for salaries and expenses, two hundred and thirty-one thousand six hundred dollars.

For the expenses of the general terms of the supreme court, five thousand dollars.

#### ATTORNEY-GENERAL'S OFFICE.

For the Attorney-General, for salary, five thousand dollars.

For the Deputy Attorney-General, for salary, three thousand five hundred dollars.

For the clerk and messenger in the office of the Attorney-General, for salaries, two thousand dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Attorney-General, five hundred dollars.

For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the Attorney-General, two thousand dollars.

For compensation of counsel employed to assist the Attorney-General, three thousand dollars.

For the expenses of the Attorney-General, one thousand dollars, or so much thereof as may be necessary, the amount thereof to be certified by the Governor.

#### OFFICE OF THE SECRETARY OF STATE.

For the Secretary of State, for salary, five thousand dollars.

For the Deputy Secretary of State, and clerk of the Commissioners of the Land Office, for salary, and for indexing and making marginal notes of the session laws, three thousand five hundred dollars.

For clerks in the office of the Secretary of State, for salaries, fifteen thousand five hundred dollars.

For messenger in the office of the Secretary of State (eight hundred), one thousand dollars.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Secretary of State, two thousand dollars.

#### COMPTROLLER'S OFFICE.

For the Comptroller, for salary, six thousand dollars.

For the Deputy Comptroller, for salary, two thousand dollars.

For the Second Deputy Comptroller, for salary, three thousand five hundred dollars.

For clerks in the office of the Comptroller, for salaries, twenty-three thousand dollars.

For messenger in the office of the Comptroller, four hundred dollars.

For furniture, blank and other books, binding, blanks, printing, and other necessary expenses of the office of the Comptroller, two thousand dollars.

#### TREASURER'S OFFICE.

For the Treasurer, for salary, and for compensation for countersigning transfers and assignments of securities in the banking and insurance department, pursuant to chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five, five thousand dollars, five hundred dollars of which shall be refunded into the treasury, pursuant to chapter one hundred and three of the Laws of eighteen hundred and fifty-seven, and five hundred dollars thereof shall be refunded pursuant to chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine.

For the Deputy Treasurer, for salary, three thousand five hundred dollars.

For clerks in the office of the Treasurer, for salaries, seven thousand dollars.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Treasurer, eight hundred dollars.

#### DEPARTMENT OF PUBLIC INSTRUCTION.

For the Superintendent of Public Instruction, for salary, five thousand dollars.

For the Deputy Superintendent of Public Instruction, for salary, three thousand five hundred dollars.

For the Department of Public Instruction, for traveling expenses, which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools, and other institutions under the supervision of that department, five hundred dollars.

For clerks in the office of the superintendent of public instruction, seven thousand five hundred dollars.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, one thousand dollars.

[For expenses incidental to holding examinations for State certificates, five hundred dollars.]

#### OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the Deputy State Engineer and Surveyor, for salary, three thousand five hundred dollars.

For compensation of clerks to assist in the preparation of railroad reports, two thousand five hundred dollars; and for the expenses of printing and binding said reports, five thousand dollars.

The salary of the Deputy State Engineer and Surveyor, and of the clerks above mentioned, and the expenses of printing and binding, aforesaid, shall be paid and refunded to the treasury of the State by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five, and the several acts of the Legislature in relation thereto.

For clerks in the office of the State Engineer and Surveyor, for salaries, three thousand five hundred dollars.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, five hundred dollars.

#### BANKING DEPARTMENT.

For the Superintendent of the Banking Department, for salary, five thousand dollars.

For compensation of the deputy, for clerk hire, and for furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of Superintendent of the Banking Department, twelve thousand dollars.

The aforesaid salary, clerk-hire, and other expenses above mentioned, shall be refunded to the treasury of the State by the several banks, banking associations and bankers of this State, "in whose behalf they are incurred," pursuant to chapter one hundred and sixty-four, Laws of eighteen hundred and fifty-one.

#### INSURANCE DEPARTMENT.

For the Superintendent of the Insurance Department, for salary, seven thousand dollars.

For compensation of the deputy, for clerk-hire, and for furniture, blank and other books, binding, blanks, printing, and other necessary expenses of the insurance department, fifty thousand dollars, or so much thereof as may be necessary.

The aforesaid salary, clerk-hire, and other expenses above mentioned, shall be refunded to the treasury of the State by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine.

#### STATE ASSESSORS.

For the State Assessors, for compensation and traveling expenses, nine thousand dollars.

#### QUARANTINE COMMISSIONERS.

For the Commissioners of Quarantine, for salaries, to each of them, two thousand five hundred dollars.

#### AUCTIONEERS' ACCOUNTS.

For compensation of the agent to examine the accounts of auctioneers, one thousand two hundred dollars.

For the superintendent of weights and measures, for salary, five hundred dollars.

#### LAND OFFICE.

For assessments and other expenses of public lands, and for mileage of the Speaker of the Assembly, for attendance as Commissioner of the Land Office, one thousand dollars.

#### PUBLIC OFFICES.

For postage on official letters, documents and other matter sent by mail, of the Governor, Secretary of State, Comptroller, Treasurer, Superintendent of Public Instruction, Attorney-General, State Engineer and Surveyor, Adjutant-General, Inspector-General and Clerk of the Court of Appeals, five thousand dollars, and for stationery for the aforesaid public officers and their departments, four thousand dollars.

#### CAPITOL.

For repairs, cleaning, labor, gas, and other necessary expenses of the capitol, fifteen thousand dollars.

For the superintendent of the capitol, for salary, twelve hundred dollars.

#### STATE HALL.

For repairs, cleaning, labor, gas and other necessary expenses of the State hall, six thousand dollars.

For the superintendent of the State hall, for salary, twelve hundred dollars.

#### REGENTS OF THE UNIVERSITY.

For the secretary of the Regents of the University, for salary, two thousand five hundred dollars.

For the assistant secretary of the Regents of the University, for salary, two thousand dollars.

For compensation of a botanist, for arranging the herbarium in the museum of natural history, one thousand five hundred dollars.

For expense of postage, expressage, printing, stationery, visitation, examinations, expenses of Regents attending meetings of the board, and compensation of messenger, three thousand dollars.



For James Hall, as State geologist, as compensation for services to be rendered for authorship, superintendence of drawings and engravings, for clerk hire and the use of working rooms for the arranging, labeling and distribution of the duplicate fossils and minerals, as the same may be fixed by the Lieutenant-Governor, Comptroller and Secretary of State, two thousand five hundred dollars.

#### STATE LIBRARY.

For the purchase of books for the State library, four thousand dollars, to be paid to the trustees of the State library in semi-annual payments, on the first of April and first of October.

For binding, lettering and marking books for the State library, one thousand seven hundred dollars.

For repairs, cleaning, gas, transportation of books, and other necessary expenses of the State library, two thousand dollars.

For the librarians, assistants and janitor of the State library, for salaries, six thousand eight hundred dollars.

#### HALL FOR THE STATE CABINET OF NATURAL HISTORY AND THE AGRICULTURAL MUSEUM.

For the State cabinet of natural history, ten thousand dollars.

For the persons employed in making drawings for the natural history of the State, to be paid as salary, or in such manner as may be determined by the Secretary of State and the secretary of the Board of Regents, two thousand five hundred dollars.

For superintendents, repairs, cleaning, labor, gas and other necessary expenses, including the compensation of the keeper of the hall for the State cabinet of natural history, five thousand dollars.

#### FUEL.

For fuel for the capitol, the State hall, the State library and the hall for the State cabinet of natural history, five thousand dollars.

#### AGRICULTURE.

For the promotion of agriculture, to be distributed in premiums by the State Agricultural Society, to the agricultural societies in counties and the American Institute in the city of New York, in the ratio prescribed by the act to promote agriculture passed May fifth, eighteen hundred and forty one, and the act to provide for the distribution of the moneys appropriated to promote agriculture, and for other purposes, passed April twelfth, eighteen hundred and forty-eight, twenty thousand dollars.

#### LEGISLATURE.

For compensation and mileage of members and officers of the Legislature, three hundred and sixty-five thousand dollars.

For advances by the Comptroller to the clerks of the Senate and Assembly, for contingent expenses, fifteen thousand dollars.

For postage, expenses of committees, compensation of witnesses, Legislative Manual, Croswell's Manual, Clerk's Manual, indexing the bills, journals and documents of the Senate and Assembly, and other contingent expenses of the Legislature, eighteen thousand dollars.

#### STATE PRINTING.

For the Legislative printing, for the State, including binding, mapping, engraving, publication of the official canvass and other official

notices, one hundred thousand dollars, and the official canvass shall be printed and published only in the State paper, at the public expense.

#### STATE PRISONS.

For the Inspectors of State Prisons, for salaries, pursuant to Revised Statutes, volume one, page five hundred and six, and chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-five, five thousand five hundred dollars, and for traveling expenses, three thousand dollars.

For the support and maintenance of the several State prisons, and for material and expenses of manufacturing, pursuant to chapter two hundred and forty of the Laws of eighteen hundred and fifty-four, and chapter forty-three of the Laws of eighteen hundred and sixty-five, eight hundred thousand dollars.

For supplying Croton water to the Sing Sing prison, one thousand five hundred dollars.

For supplying water for Auburn prison and the asylum for insane convicts, two thousand dollars.

For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight, Laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four, Laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven, Laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four, Laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven, Laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one of the Laws of eighteen hundred and seventy-five, ten thousand dollars.

For refunding deposits to prison contractors, one thousand dollars.

For the salaries and allowances of the treasurer and resident officers of the State Inebriate Asylum, six thousand dollars, or so much thereof as the managers of that asylum shall determine to be necessary, subject to the approval of the Comptroller, pursuant to chapter six hundred and twenty-five of the Laws of eighteen hundred and seventy-three, and for traveling expenses of the trustees thereof, six hundred dollars.

#### ASYLUM FOR INSANE CONVICTS.

For the support and maintenance of the Asylum for Insane Convicts, twenty-four thousand dollars.

#### STATE LUNATIC ASYLUM.

For the officers of the State Asylum for Lunatics, for salaries, fifteen thousand dollars.

#### INDIAN AFFAIRS.

For the relief of the Onondaga Indians, three hundred dollars.

For compensation of the agent of the Onondaga Indians, two hundred dollars.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the Laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the Laws of eighteen hundred and sixty-nine, sixty-five dollars, or so much thereof as may be necessary.

For compensation of the agent of the Onondaga Indians, on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.

For the compensation of the attorney of the St. Regis Indians, one hundred and fifty dollars.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

For compensation of the attorney for the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

#### ONONDAGA SALT SPRINGS.

For the salary of the superintendent, the compensation of clerks and other persons employed, and other necessary expenses of the Onondaga Salt Springs, sixty thousand dollars.

#### MILITIA OF THE STATE.

For expenses of the national guard of the State of New York, two hundred and seventy-five thousand dollars.

#### INTEREST ON STATE INDEBTEDNESS.

For interest on the debt of thirty-six thousand dollars, created for the benefit of the Stockbridge Indians, two thousand one hundred and sixty dollars.

#### COUNTY TREASURERS.

For advances to county treasurers, on account of taxes on property of non-residents, which may be returned to the Comptroller's office, fifty thousand dollars.

#### TRANSPORTATION.

For expenses of transportation of the session laws, journals and documents of the Legislature, reports, books and packages, by express, for the public offices, and for the expenses of boxes, five thousand dollars.

#### REPAYMENT OF MONEYS.

For repayment of money to purchasers, for redemption of lands sold for taxes, fifty thousand dollars.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

For repayment of money in cases of failure of titles to lands sold by the State, three hundred dollars.

For repayment of money paid into the treasury through mistake, five hundred dollars.

#### MISCELLANEOUS.

For inspectors of gas-meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the Laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the Laws of eighteen hundred and sixty-three, two thousand five hundred dollars, or so much thereof as may be necessary to pay the present inspector of gas-meters his salary to the end of his term of office, which amount shall be refunded to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the Laws of eighteen hundred and fifty-nine, but no payment shall be made by the Comptroller upon such salary and expenses, until an amount equal to such payments shall be received by him from gas companies, or some of them.

So much of the amount under any former appropriation appropriated to pay the salaries of the arbitrator of the court of arbitration of the chamber of commerce of the State of New York, and of the clerk of said court, as shall not be paid into the treasury of the State from the moneys received by the clerk of said court for fees, and paid over to the treasurer, shall be paid by the mayor, aldermen and commonalty of the city of New York, and shall be paid by the comptroller of said city, and the board of estimate and apportionment shall appropriate the

amount necessary to pay the same; and hereafter all of said salaries, as fixed by section six, chapter four hundred and ninety-five of the Laws of eighteen hundred and seventy-five, not paid into the treasury of the State, from fees, under section twenty-nine of said chapter four hundred and ninety-five, shall be paid by the mayor, aldermen and commonalty of the city of New York, to said arbitrator and said clerk, and shall be paid by the comptroller of said city, and the board of estimate and apportionment shall appropriate annually the amount necessary to pay the same.

To the trustees of Washington's head-quarters, at Newburgh, for compensation of superintendent, and for care, maintenance, repairs and improvement of grounds, the sum of one thousand dollars.

For supplying other States with reports of the court of appeals, and of the supreme court, five hundred dollars.

For expenses of books and stationery for the transfer office, at the Manhattan Company, New York, two hundred and fifty dollars.

For compensation of the agent, in the city of New York, to superintend the issue and transfer of State stock, seven hundred and fifty dollars.

For supplying the Deaf Mutes' Journal to the deaf and dumb persons of this State, three hundred dollars.

For the expenses of the board of pilot commissioners, New York, four thousand five hundred dollars.

For the commissioners to revise the statutes, appointed under chapter thirty-three of the Laws of eighteen hundred and seventy, for their salaries, fifteen thousand dollars; for their expenses for clerical services and other incidental matters, six thousand dollars; and, in addition thereto, three thousand dollars for the general expenses of the commission, to be expended under the direction of the commissioners. The term of office of the said commissioners is hereby extended to the first day of May, in the year eighteen hundred and seventy-eight.

#### DEAF AND DUMB.

For the support and instruction of three hundred and forty pupils at the Institution for the Deaf and Dumb in New York, one hundred and two thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be verified by affidavits of the president and secretary of the institution.

For the support and instruction of pupils at the institution for the improved instruction of deaf mutes in New York, fifteen thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be verified by affidavits of the president and secretary of the institution.

For the support and instruction of forty pupils at the Le Couteulx St. Mary's Institution for the improved instruction of deaf mutes, at Buffalo, twelve thousand dollars; or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, to be paid by the comptroller, upon the certificate and oath of the president and secretary of the institution.

For the support and instruction of sixty pupils at the central New York institution for deaf mutes, at Rome, eighteen thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, to be paid by the comptroller, upon the

certificate and oath of the president and secretary of the institution, approved by the Superintendent of Public Instruction.

For the Thomas Asylum, for orphan and destitute Indian children, for the education and maintenance of one hundred children, at the rate of eighty-five dollars per capita, pursuant to chapter one hundred and sixty-two of the Laws of eighteen hundred and seventy-five, eight thousand five hundred dollars.

#### BLIND.

For the support and instruction of one hundred and eighty pupils, for one year, at the institution for the blind in New York, fifty-four thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution.

#### JUVENILE DELINQUENTS.

For the Society for the Reformation of Juvenile Delinquents in the city of New York, forty thousand dollars.

#### HOUSE OF REFUGE.

For the House of Refuge for Western New York, fifty-five thousand dollars.

#### IDIOT ASYLUM.

For the State asylum for idiots, at Syracuse, thirty-six thousand dollars.

#### WILLARD ASYLUM FOR THE INSANE.

For the officers of the Willard asylum for the insane, for salaries, ten thousand five hundred dollars.

#### HUDSON RIVER STATE HOSPITAL FOR THE INSANE.

For the officers of the Hudson River State Hospital for the Insane, for salaries, eight thousand dollars.

#### STATE HOMŒOPATHIC ASYLUM.

For the State Homœopathic Asylum for the Insane, for salaries, eight thousand dollars, or so much thereof as may be necessary, and as the same may be approved by the Governor, Secretary of State and Comptroller, pursuant to chapter three hundred and twenty-three of the Laws of eighteen hundred and seventy-four.

#### INSTITUTION FOR THE BLIND, BATAVIA.

For the maintenance of the Institution for the Blind, at Batavia, forty thousand dollars.

#### STATE COMMISSIONERS OF PUBLIC CHARITIES.

For the salary of the secretary of the State Board of Charities, three thousand five hundred dollars.

For the traveling expenses of the commissioners and secretary, and for office expenses, clerk hire and other contingencies, four thousand dollars.

For the salary of the State Commissioner in Lunacy, four thousand dollars, and for traveling and other incidental necessary expenses of said commissioner, one thousand dollars, or so much thereof as may be necessary.

For the support and care of State paupers, twenty-five thousand dollars.

**PAYABLE FROM THE FREE SCHOOL FUND.**

For the State normal school at Albany, for its maintenance, eighteen thousand dollars.

For the State normal and training schools at Buffalo, Brockport, Cortland, Fredonia, Geneseo, Oswego and Potsdam, for their maintenance, to each of them, eighteen thousand dollars.

For the maintenance of the teachers' institutes, pursuant to chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, eighteen thousand dollars.

For the support of the common schools of this State, two million seven hundred and ninety-seven thousand seven hundred and twenty-five dollars, or so much thereof as shall remain of the proceeds of the tax of one and one-fourth mills upon each dollar of the taxable property in this State, levied for the support of common schools, after deducting from the proceeds of said tax the sum of one hundred and sixty-two thousand dollars appropriated in the last three items above mentioned, payable from the free school fund, pursuant to chapter four hundred and and six of the Laws of eighteen hundred and sixty-seven.

**PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.**

For interest on the sum of two million nine hundred and twenty-nine thousand eight hundred and thirty-one dollars and fifty-three cents of the general fund State debt, one hundred and fifty-five thousand one hundred and ninety dollars and fifty-two cents.

For the payment of annuities to the several Indian tribes, namely:

To the Onondagas, two thousand four hundred and thirty dollars;

To the Cayugas, two thousand three hundred dollars;

To the Senecas, five hundred dollars;

To the St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

**PAYABLE FROM THE SCHOOL FUND REVENUE.**

For dividends to common schools, one hundred and seventy thousand dollars.

For the support of Indian schools, four thousand dollars.

For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, five hundred dollars.

For refunding surplus moneys received on resales of lands, five hundred dollars.

For expenses of lands, two hundred dollars.

**PAYABLE FROM THE LITERATURE FUND.**

For dividends to the academies, twelve thousand dollars.

For the purchase of text-books, maps and globes, philosophical and chemical apparatus for the academies, three thousand dollars.

**PAYABLE FROM THE UNITED STATES DEPOSIT FUND — CAPITAL.**

For investment of the capital of the United States Deposit Fund, fifty thousand dollars, or so much thereof as may be necessary.

**REVENUE.**

For dividends to common schools, including the salaries of the county school commissioners, one hundred and sixty-five thousand dollars.

For dividends to academies, twenty-eight thousand dollars.

For amount to be added to the capital of the school fund, pursuant to article nine of the Constitution, twenty-five thousand dollars.

For instruction of common school teachers in the academies designated by the Regents of the University, eighteen thousand dollars.

For refunding money erroneously paid into the Treasury (Revised Statutes, volume one, page four hundred and seventy-nine), five hundred dollars.

**PAYABLE FROM THE BOUNTY DEBT SINKING FUND.**

For investment of contributions to the sinking fund, and payment of interest on the State indebtedness, known and designated as the bounty debt, eight hundred and fifty thousand dollars, or so much thereof as may be necessary.

**PAYABLE FROM THE COLLEGE LAND SCRIP FUND—REVENUE.**

For the Cornell University, twenty-five thousand dollars.

**PAYABLE FROM THE CORNELL ENDOWMENT FUND—REVENUE.**

For the Cornell University, eight thousand dollars.

**PAYABLE FROM THE MILITARY RECORD FUND—REVENUE.**

For the expenses of the bureau of military statistics, three thousand dollars.

**PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND—REVENUE.**

For the Elmira Female College, three thousand five hundred dollars.

The amounts herein appropriated shall be paid by the Treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designed; but the Comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement, in items, of the same; and, if such account shall be for services, it must show when, where, and under what authority they were rendered; if for expenditures, when, where, and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business, and the dates and items of expenditures. All accounts must be verified by an affidavit, to the effect that the account is true, just and correct, and that no part of it has been paid but is actually and justly due and owing. On all accounts for transportation, furniture, blank and other books purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenditures, a bill, duly receipted, must also be furnished; and it shall be the duty of the Treasurer to report annually to the Legislature the details of these several expenditures. No indebtedness, for any purposes whatever, shall be hereafter incurred by any department or office of the government of the State of New York, or by any officer thereof, or clerk, or employe, or board, or commission, officer or person whatsoever, exceeding the amount of the annual appropriations made therefor, severally, to be raised by taxation, or exceeding the amount authorized by law to be expended for any purpose. The violation of any of the provisions of this act shall be sufficient cause for

the removal from office of the officer, board, commission or person violating the same.

All which is respectfully submitted.

HAMILTON HARRIS,

S. H. HAMMOND,

D. McCARTHY,

*Senate Committee.*

GEO. H. FORSTER,

ALLEN MUNROE,

R. U. SHERMAN,

*Assembly Committee.*

Mr. Woodin moved to agree to the report of the committee, except such part thereof as relates to the court of arbitration of the Chamber of Commerce of the State of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Rogers
Bixby	Doolittle	Loomis	St. John
Booth	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Hammond	Prince	Wagner
Cole	Harris	Robertson	Woodin
			24

FOR THE NEGATIVE.

McCarthy	Starbuck	2
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Mr. Woodin moved that the Senate do non-concur in that portion of the report which relates to the said court of arbitration.

Pending which and after debate,

Mr. Woodin moved that the report be laid upon the table until Thursday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to provide for the improvement of certain public squares or places in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to provide for the obtaining of certain statistics relating to mortgages upon real property within this State," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gerard moved to reconsider the vote by which the report of the committee of the whole against the adoption of the concurrent resolution proposing an additional section to article 6 of the Constitution, consolidating the Court of Common Pleas, the Superior Court and the Supreme Court, in the city of New York, was agreed to, and that said motion be laid upon the table.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Emerson offered the following :

*Resolved* (if the Assembly concur), That section 1, article 2, of the Constitution be amended so as to read as follows :

SECTION 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall, at the time, be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that, in time of war, no elector in the actual military service of the State or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district, and provided that no minister of any religious denomination shall be deprived of his vote by reason of any change of residence made in the regular discharge of his ministerial duties, and the Legislature shall have power to provide the manner in which, and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Mr. Emerson moved that said resolution be laid upon the table, and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to establish a State board of audit, and to define its powers and duties."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Starbuck, the Senate then went into executive session, and, after some time spent therein, the doors were opened, and

On motion of Mr. Tobey, the Senate took a recess until half-past seven o'clock, P. M.

#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The President presented the following :

UNIVERSITY OF THE STATE OF NEW YORK, }  
OFFICE OF THE REGENTS, }  
ALBANY, March 21, 1876. }

*To the President of the Senate.*

SIR — I am directed to state for the information of the Senate, that by the death of the Hon. Prosper M. Wetmore, of New York, a vacancy

is created in the Board of Regents of the University, to be filled at the pleasure of the Legislature.

Very respectfully, your obedient servant,  
S. B. WOOLWORTH, *Secretary*.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend section 2 of chapter 514, of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages.'"

Assembly, "An act to amend section 5, chapter 427, Laws of 1855, entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes.'"

"An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp-Meeting Association of the Methodist Episcopal Church,' and supplementary thereto."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Hammond, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker moved that the bill entitled "An act to provide for uniformity of text-books in common schools," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Hammond moved that the bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' " be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

"An act to provide for uniformity of text-books in common schools."

"An act in relation to the court of general sessions of the peace, in and for the city and county of New York."

After some time spent therein the President resumed the chair, and Mr. Emerson, from said committee, reported progress on the two first bills, and asked and obtained leave to sit again.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 479 of the Laws of 1875, entitled 'An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court.'"

"An act to amend chapter 502 of the Laws of 1853, entitled 'An act to authorize stockholders of railroad and plank-road companies to make payments upon mortgages, in process of foreclosure against such companies, and thereupon to become interested in said mortgages.'"

"An act in relation to the commissioner of jurors in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. St. John, and by unanimous consent, the bill entitled "An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, entitled 'Of disorderly persons,'" was ordered considered in first committee of the whole.

On motion of Mr. Doolittle, and by unanimous consent, the bill entitled "An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 4, title 5, chapter 20 of the first part of the Revised Statutes, entitled 'Of disorderly persons.'"

"An act to amend title 2, chapter 1, part 2 of the Revised Statutes, entitled 'Of powers.'"

"An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof.'"

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Rogers, the Senate adjourned.

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### WEDNESDAY, MARCH 22, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Morrissey presented two remonstrances of citizens of New York, against maintaining a bridge across the Hudson river by the Fishkill

and Newburgh Railroad Bridge Company; which were read and referred to the committee on railroads.

Mr. Emerson presented a petition of citizens of Rochester, for the establishment of a local court of civil jurisdiction in said city; which was read and referred to the committee on the judiciary.

Mr. Selkreg, from the committee on poor laws, to which was referred the bill entitled "An act to provide for the maintenance, support and government of the poor in Queens county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 834 of the Laws of 1869, entitled 'An act incorporating the village of Carthage, in the county of Jefferson,' and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Carpenter, and by unanimous consent, said bill was ordered considered in the first committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of L. W. Emerson, as a notary public of Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommended the bill entitled "An act to provide for the sale and exchange of the stock or bonds of any railroad corporation for the bonds of any municipal corporation, and also authorizing the issuing of the bonds of such municipal corporation, less in amount than had been before agreed or authorized," reported in favor of the passage of the same with amendments, and the title amended so as to read "An act to authorize municipal corporations in the counties of Clinton, Essex and Washington to sell stock held by them in the New York and Canada Railroad Company," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to release certain lands, which have escheated to the State, to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the foreclosure of mortgages by advertisement," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to jurors in the city of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to allow the reorganization of plank roads and turnpike roads," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Rogers, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend title 2, chapter 1, part 2, of the Revised Statutes, entitled 'Of powers.'"

An act to amend section 4, title 5, chapter 20, of the first part of the Revised Statutes, entitled 'Of disorderly persons.'"

"An act to amend chapter 502 of the Laws of 1853, entitled 'An act to authorize stockholders of railroad and plank-road companies to make payments upon mortgages in process of foreclosure against such companies, and thereupon to become interested in said mortgages.'"

"An act to establish a State board of audit, and to define its powers and duties."

"An act in relation to the court of general sessions of the peace in and for the city and county of New York."

"An act to amend section 2 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages.'"

"An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp Meeting Association of the Methodist Episcopal Church,' and supplementary thereto."

"An act to amend chapter 479 of the Laws of 1875, entitled 'An act in relation to the jurisdiction of the Marine Court of the city of New York, and to the justices of said court.'"

The President presented a communication from the New Capitol Commissioners, relative to the completion of the New Capitol Building; which was laid upon the table and ordered printed.

(See *Doc. No. 59.*)

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend title 2, chapter 5, of part 3 of the Revised Statutes, entitled 'Proceedings to compel the determination of claims against real property in certain cases,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled 'An act authorizing the Rochester and State Line Railway Company to amend its articles of association,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the concurrent resolution relative to the appointment of a joint committee to consider the reduction of salaries and per diem allowance of the officers and employes of the two Houses, with a message that they had appointed as such committee on their part Messrs. Sherman, Hepburn and Munroe.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers.'"

"An act to amend chapter 838 of the Laws of 1869, entitled 'An act incorporating the village of Carthage, in the county of Jefferson, and the acts amendatory thereof.'"

Assembly, "An act in relation to wills of personal estate."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bradley moved that said bill be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to require the filing of maps in the assessors' office in the city of Albany."

Assembly, "An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof.'"

Assembly, "An act to amend an act entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,' passed May 9, 1867."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill, Agricultural and Horticultural Association,'" which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Bradley, and by unanimous consent, the Assembly bill entitled "An act to amend the 16th section of title 6, of chapter 2, of part 4 of the Revised Statutes, concerning the allowance of writs of error in criminal cases," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to the commissioner of jurors in the city and county of New York."

Assembly, "An act to amend the 16th section of title 6, of chapter 2, of part 4 of the Revised Statutes, concerning the allowance of writs of error in criminal cases."

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

After some time spent therein the President resumed the chair, and Mr. Schoonmaker, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to; and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 671 of the Laws of 1857, entitled 'An act to establish regulations for the port of New York.'"

Assembly, "An act authorizing the sale of the State armory at Schenectady."

Assembly, "An act providing for the union of the Griffith Institute with Union Free School District No. 1 of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Sayre moved that the bill entitled "An act to amend chapter 6, article 3, title 3, part 1 of the Revised Statutes, Of elections in cities and towns," be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act relative to personal property of fire companies."

Assembly, "An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 836 of the Laws of 1872, entitled An act to regulate places of public amusement in the city of New York.'"

Assembly, "An act to authorize the sale of subdivision No. 23, in block No. 51, in the third ward of the city of Oswego, known as engine house and lot No. 2."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported progress on the two first bills, and asked and obtained leave to sit again.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Rogers, and by unanimous consent, the bill entitled "An act to further amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county, and the city of Buffalo ;' also to amend chapter 94 of the Laws of 1871, entitled 'An act further to amend chapter 680 of the

Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county, and the city of Buffalo,' was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 6, of title 5, of chapter 9, of part 1 of the Revised Statutes."

"An act further to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo;' also, to amend chapter 94 of the Laws of 1871, entitled, 'An act further to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo.'"

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read "An act to amend chapter 94 of the Laws of 1875, entitled 'An act further to amend chapter 680 of the Laws of 1870, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and city of Buffalo;' also, to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings, for the use of Erie county and the city of Buffalo,' which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Carpenter, the Senate adjourned.

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## THURSDAY, MARCH 23, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 834 of the Laws of 1869, and also to amend chapter 455 of the Laws of 1870, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson.'"

"An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers.'"



"An act to require the filing of maps in the assessors' office in the city of Albany."

"An act to amend chapter 671 of the Laws of 1857, entitled 'An act to establish regulations for the port of New York.'"

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson."

"An act to amend chapter 94 of the Laws of 1875, entitled 'An act further to amend chapter 680 of the Laws of 1870, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo;' also to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo.'"

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled 'An act to amend chapter 212 of the Laws of 1865, passed March 25, 1865, and to regulate the practice in criminal cases,' reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 212 of the Laws of 1865, entitled 'An act in relation to the punishment of criminal offenses,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to evidence," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled, "An act to authorize the payment of certain moneys out of the State treasury to the heir at law of James Green, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend chapter 6, article 3, title 3, part 1, of the Revised Statutes, Of elections in cities and towns," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 3, part 2, of the Revised Statutes, in relation to the recording of mortgages," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to highway bridges over railroads," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Buffalo to issue its certificates of indebtedness, for the purpose of raising money to supply a deficiency in the poor department of the city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris moved to take from the table the report of the committee of conference on Assembly bill entitled "An act making appropriations for the support of government."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the pending question to be the motion of Mr. Woodin to disagree with that portion of the report relating to the court of arbitration.

After debate,

Mr. Woodin moved that the question of agreeing to that portion of the report of the committee relating to the court of arbitration be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to legalize and confirm the official acts of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution."

*Ordered,* That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to enable the city of Brooklyn to construct a public building," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act relative to sales of personal property on execution or attachment in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to extend the time for the organization of the Mutual Trust Institution of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to provide for the completion of the court house in the third judicial district in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 16 of title 3 of chapter 6

of part 1 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 4 of chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to authorize the city of Elmira to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend section 2 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Hammond	McCarthy	Sayre
Bradley	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend section 5 of chapter 427 Laws of 1855, entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	St. John
Bixby	Doolittle	McCarthy	Sayre
Bradley	Hammond	Morrissey	Schoonmaker
Carpenter	Jacobs	Robertson	Selkreg
Cole	Kennaday	Rogers	Wellman 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church,' and supplementary thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Hammond	Morrissey	Sayre
Bradley	Harris	Prince	Schoonmaker
Carpenter	Kennaday	Robertson	Selkreg
Cole	Loomis	Rogers	Wellman 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 502 of the Laws of 1853, entitled 'An act to authorize stockholders of railroad and plank-road companies to make payments upon mortgages in process of foreclosure against such companies, and thereupon to become interested in said mortgages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Rogers
Bixby	Emerson	McCarthy	Sayre
Bradley	Hammond	Morrissey	Selkreg
Cole	Harris	Prince	Wellman
Coleman	Kennaday	Robertson	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section four, title 5, chapter 20, of the first part of the Revised Statutes, entitled 'Of disorderly persons,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Sayre
Carpenter	Hammond	Morrissey	Schoonmaker
Cole	Harris	Robertson	Selkreg
Coleman	Lamont	Rogers	Wellman

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend title 2, chapter 1, part 2 of the Revised Statutes, entitled 'Of powers,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Hammond	Moore	Schoonmaker
Bradley	Harris	Robertson	Selkreg
Carpenter	Jacobs	Rogers	Wellman
Doolittle	Lamont	St. John	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Hammond	Moore	Sayre
Bradley	Harris	Morrissey	Schoonmaker
Carpenter	Lamont	Robertson	Selkreg
Cole	Loomis	Rogers	Wellman
Coleman			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	St. John
Bixby	Harris	Morrissey	Sayre

Carpenter	Kennaday	Prince	Schoonmaker
Cole	Loomis	Robertson	Selkreg
Coleman	McCarthy	Rogers	Wellman
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the sixteenth section of title 6, of chapter 2 of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sayre
Carpenter	Kennaday	Prince	Schoonmaker
Cole	Loomis	Robertson	Selkreg
Doolittle	McCarthy	Rogers	Wellman
Hammond	Moore	St. John	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing the sale of the State armory at Schenectady," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Rogers
Carpenter	Hammond	Moore	Sayre
Cole	Harris	Morrissey	Selkreg
Coleman	Kennaday	Prince	Wellman
Doolittle	Loomis	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act providing for the union of the Griffith Institute with Union Free School district No. 1 of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Hammond	Moore	Sayre

Bradley	Harris	Morrissey	Schoonmaker	23
Cole	Kennaday	Prince	Selkreg	
Coleman	Lamont	Robertson	Wellman	
Doolittle	Loomis	Rogers		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the sale of subdivision No. 23, in block No. 51, in the third ward of the city of Oswego, known as engine house and lot No. 2," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	St. John	20
Bradley	Emerson	McCarthy	Sayre	
Carpenter	Harris	Moore	Schoonmaker	
Cole	Jacobs	Robertson	Selkreg	
Coleman	Kennaday	Rogers	Wellman	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the the same.

The bill entitled "An act to amend chapter 479 of the Laws of 1875, entitled 'An act in relation to the jurisdiction of the Marine Court of the city of New York, and to the justices of said court,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John	22
Bixby	Emerson	McCarthy	Sayre	
Bradley	Hammond	Moore	Schoonmaker	
Carpenter	Harris	Robertson	Selkreg	
Cole	Jacobs	Rogers	Wellman	
Coleman	Kennaday			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 671 of the Laws of 1857, entitled 'An act to establish regulations for the port of New York,'" was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Hammond	McCarthy	Sayre

Bradley	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Robertson	Selkreg
Coleman	Kennaday	Rogers	Wellman
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers,'" having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on the judiciary, with instructions to amend as follows:

Add at the end of § 1 the following: "But such lien and right to detain shall exist to the extent of the right, title and interest of the boarder in such property."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bradley	Harris	Prince	Sayre
Coleman	Lamont	Robertson	Wellman
Doolittle	Loomis	Rogers	

15

## FOR THE NEGATIVE.

Cole	Moore	Schoonmaker	Selkreg
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4

Mr. Rogers moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Robertson
Birby	Doolittle	Lamont	Rogers
Bradley	Emerson	Loomis	St. John
Carpenter	Hammond	McCarthy	Sayre
Cole	Harris	Prince	Wellman

20

## FOR THE NEGATIVE.

Moore	Schoonmaker	Selkreg
-------	-------------	---------

3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds



of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to require the filing of maps in the assessors' office in the city of Albany," having been announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows :

Strike out in § 2 the words "mayor, aldermen and commonalty of the," lines 5 and 6 of engrossed bill.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Sayre
Bixby	Harris	Moore	Schoonmaker
Bradley	Jacobs	Prince	Selkreg
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Wellman
Doolittle	Loomis	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	St. John
Bixby	Harris	Moore	Sayre
Bradley	Jacobs	Prince	Schoonmaker
Cole	Kennaday	Robertson	Selkreg
Coleman	Loomis	Rogers	Wellman
Doolittle			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 24 of the Laws of 1875, entitled 'An act further to amend chapter 680 of the Laws of 1870, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and city of Buffalo'; also to amend chapter

680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Sayre
Bradley	Jacobs	Morrissey	Schoonmaker
Cole	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Tobey
Doolittle	Loomis	Rogers	Wellman
Hammond	McCarthy	St. John	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to establish a State board of audit, and to define its powers and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Rogers
Birby	Hammond	McCarthy	St. John
Carpenter	Harris	Moore	Sayre
Cole	Jacobs	Morrissey	Selkreg
Coleman	Kennaday	Prince	Tobey
Doolittle	Lamont	Robertson	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 448 of the Laws of 1868, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter.'"

"An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Jacobs, the Senate then went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Loomis, the Senate took a recess until half past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Selkreg, and by unanimous consent, the bill entitled "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs,'" was ordered considered in first committee of the whole.

On motion of Mr. Sayre, and by unanimous consent, the bill entitled "An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

"An act to amend chapter 673 of the Laws of 1871, entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs.'"

"An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of said bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend section 9 of chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' as amended by chapter 170 of the Laws of 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Booth, and by unanimous consent, the bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes," was ordered considered in the first committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Elmira, to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the court of special sessions of the peace in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to enable the city of Brooklyn to construct a public building," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the filling up of sunken lots in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the Kingsbridge road, in the city of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes."

"An act changing the time for holding tax meetings in the village of Green Island."

"An act to amend section 6 of title 5 of chapter 9 of part 1 of the Revised Statutes."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, report that the committee had stricken out the enacting clause of said last named bill, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie.'"

"An act supplementary to chapter 148 of the Laws of 1853, entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy.'"

"An act relative to personal property of fire companies."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with the title amended so as to read "An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Selkreg, and by unanimous consent, the bill entitled "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs,'" was ordered considered in first committee of the whole.

On motion of Mr. Sayre, and by unanimous consent, the bill entitled "An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

"An act to amend chapter 673 of the Laws of 1871, entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs.'"

"An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica.'"

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of said bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend section 9 of chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' as amended by chapter 170 of the Laws of 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Booth, and by unanimous consent, the bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes," was ordered considered in the first committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Elmira, to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the court of special sessions of the peace in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to enable the city of Brooklyn to construct a public building," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the filling up of sunken lots in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the Kingsbridge road, in the city of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes."

"An act changing the time for holding tax meetings in the village of Green Island."

"An act to amend section 6 of title 5 of chapter 9 of part 1 of the Revised Statutes."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, report that the committee had stricken out the enacting clause of said last named bill, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie.'"

"An act supplementary to chapter 148 of the Laws of 1853, entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy.'"

"An act relative to personal property of fire companies."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with the title amended so as to read "An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the

incorporation of the village of Lancaster, in the county of Erie,'” which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

“An act regulating the forfeiture of life insurance policies.”

“An act to provide for uniformity of text-books in common schools.”

Assembly, “An act to repeal chapter 224 of the Laws of 1874, entitled ‘An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,’ and chapter 530 of the Laws of 1875, entitled ‘An act to amend an act and the title of an act, entitled An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April 21, 1874,’ so far as the same relates to the county of Steuben,”

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

On motion of Mr. Starbuck, and by unanimous consent, said bill was ordered considered in first committee of the whole.

Mr. Carpenter, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Rogers the Senate adjourned.

## FRIDAY, MARCH 24, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Kennaday presented petitions and other papers relating to the bill authorizing use of steam on Atlantic avenue, Brooklyn; also, communication and resolution of the common council of the city of Brooklyn, upon the same subject; which were read and referred to the committee on railroads.

Mr. Cole presented a petition of Edmund L. Pitts and others, for a swing bridge over the Erie canal at Madison, Orleans county; which was read and referred to the committee on canals.

Mr. Booth, from the committee on literature, to which was referred the bill entitled “An act to amend sections 50 and 51 of chapter 15,

article 5, title 1, part 1, of the Revised Statutes, relating to officers of colleges and academies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to authorize the town of Wilna, in county of Jefferson, to re-issue bonds, to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of the State of New York, passed April 17, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Kennaday, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for the commencement and completion of the Brooklyn Elevated Railway," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State."

"An act relative to personal property of fire companies."

"An act changing the time for holding tax meetings in the village of Green Island."

"An act supplementary to chapter 148 of the Laws of 1853, entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Roy.'"

"An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica.'"

"An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes."

"An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs.'"

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

"An act to authorize municipal corporations in the counties of Clinton, Essex and Washington, to sell stock held by them in the New York and Canada Railroad Company."

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to prevent frauds in the sale of staterooms, berths and tickets upon steamboats and steamships and other vessels," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act granting to the United



States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek, from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on the militia, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled The Military Code,' passed April 30, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to incorporate the Buffalo Bar Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to enable the supervisors of the several towns in the county of Allegany to appeal to the State Assessors of the State of New York, from the act or decision of the board of supervisors of said county of Allegany, in the equalization of assessment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to more specifically regulate the police department of the city of New York, and the powers and duties of the members and officers thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to equalize the State tax among the several counties in this State,' passed April 14, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act for the relief of tax-payers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reduce

the several acts relating to the district courts in the city of New York into one act, passed April 13, 1857, and the several acts amendatory thereof, and to amend the several acts relating to the jurisdiction, powers and duties of the justices of the district courts, and to the practice of said courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to provide for the execution of printing and the supply of stationery for the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to confirm the conveyance of certain real estate formerly owned by the First Associate Presbyterian Congregation of the village of Williamsburgh, passed May 2, 1860," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to require the payment of certain premiums to the fire department of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to incorporate 'New York Furniture Board of Trade,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act to provide for the incorporation of religious societies,' passed April 23, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act passed April 2, 1872, entitled 'An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal the third section of an act passed April 25, 1864, entitled 'An act to enable the board of supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	Loomis	Sayre
Booth	Hammond	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Robertson	Wellman
Cole			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act changing the time for holding tax meetings in the village of Green Island," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Emerson	McCarthy	Sayre
Bixby	Hammond	Moore	Schoonmaker
Booth	Harris	Morrissey	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Lamont	Rogers	Wellman
Cole	Loomis	St. John	Woodin
Doolittle			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplementary to chapter 148 of the Laws of 1853, entitled 'An act to incorporate the Firemen's Benevolent Association of the village of Le Loy,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Coleman	McCarthy	Schoonmaker
Bixby	Doolittle	Moore	Selkreg
Booth	Harris	Robertson	Starbuck
Bradley	Jacobs	Rogers	Wellman
Carpenter	Kennaday	St. John	Woodin
Cole	Loomis		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	McCarthy	Sayre
Bixby	Harris	Moore	Schoonmaker
Booth	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Carpenter	Lamont	Rogers	Wellman
Cole	Loomis	St. John	Woodin
Coleman			

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs,'" was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Coleman	Loomis	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Hammond	Moore	Schoonmaker
Bradley	Jacobs	Morrissey	Selkreg
Carpenter	Kennaday	Robertson	Wellman
Cole	Lamont	Rogers	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 448 of the Laws of 1866, entitled 'An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Hammond	Moore	Selkreg
Bradley	Harri	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Wellman
Cole	Kennaday	Rogers	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 820 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Hammond	McCarthy	Schoonmaker
Booth	Harris	Moore	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Wellman
Cole	Lamont	St. John	Woodin
Coleman			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to repeal chapter 224 of the Laws of 1874, entitled 'An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plankroads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' and chapter 530 of the Laws of 1875, entitled 'An act to amend an act and the title of an act entitled An act to repeal chapter 440 of the Laws of 1873, entitled An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April 21, 1874, so far as the same relates to the county of Steuben,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Booth	Harris	Robertson	Starbuck
Bradley	Jacobs	Rogers	Wellman
Carpenter	Kennaday	St. John	Woodin
Coleman	Loomis	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, and the several acts amendatory thereof, in so far as they relate to the city of Albany,'" was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Hammond	Moore	Schoonmaker
Booth	Harris	Prince	Selkreg
Bradley	Jacobs	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Wellman
Cole	Lamont	St. John	Woodin
Coleman	Loomis		

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson .	McCarthy	Sayre
Booth	Harris	Moore	Selkreg
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin

24

## FOR THE NEGATIVE.

Bradley	Hammond	Starbuck	3
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the court of general sessions of the peace, in and for the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Emerson	Moore	Starbuck
Bradley	Hammond	Prince	Tobey
Carpenter	Jacobs	Robertson	Wellman
Cole	Kennaday	St. John	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize municipal corporations in the counties of Clinton, Essex and Washington, to sell stock held by them

in the New York and Canada Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	McCarthy	Schoonmaker
Booth	Hammond	Moore	Tobey
Bradley	Jacobs	Prince	Wellman
Cole	Kennaday	Robertson	Woodin
Coleman	Lamont	St. John	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record and of surrogates' courts," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city," and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing The Rochester and State Line Railway Company to amend its articles of association," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm a deed from the trustees of the Lewis School Fund, of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy,' passed May 12, 1874," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act making it a misdemeanor to cut down timber or trees, or purchase or receive the same, or any lumber made therefrom," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to uniform the charters of all savings banks or institu-

tions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented the following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, March 24, 1876.

*To the Senate :*

I have the honor to transmit herewith a communication from the Superintendent of the United States Coast Survey, requesting the passage of a law for the protection of the signals and stations of that survey, and for the settlement of claims for damage done to private property during the progress of the work.

SAMUEL J. TILDEN.

Which was laid upon the table and ordered printed.

(See Doc. No. 61.)

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in Moriah, Essex county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Selkreg
Carpenter	Jacobs	Rogers	Starbuck
Cole	Lamont	St. John	Tobey
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin
Hammond	Moore		

22

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended and the clerk was ordered to deliver said bill to the Assembly, immediately, and request their concurrence therein.

Mr. Loomis offered the following:

*Resolved,* That when the Senate adjourns to-day, it adjourn until Monday, March 27, 1876, at half-past seven o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Starbuck moved that the consideration of the concurrent resolution proposing an amendment to section 11 of article 8 of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages, be made a special order for Wednesday next, March 29th.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:



"An act to extend the time for the collection of taxes in Moriah, Essex county."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act regulating the forfeiture of life insurance policies."

After some time spent therein the President resumed the chair, and Mr. Sayre, from said committee, reported progress on the said bill, and asked and obtained leave to sit again.

A message from the Governor was received and read, as follows:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, March 24, 1876.

*To the Legislature:*

The results of the investigations, ordered at the last session, into the work on the Erie and other canals, purporting to be improvements and known in the language of our legislation as "extraordinary repairs," have been submitted to you; they establish these conclusions:

First. The expenditures for these purposes, during the last five years, were directly about \$11,000,000, and indirectly, about \$3,000,000, making \$14,000,000; and involved taxation amounting to nearly \$15,000,000. This is in addition to vast sums expended in former years.

Second. The mass of the work, for which these expenditures were made, was of no real utility to the public. The waste in construction, which furnished jobs to contractors but was of no value to the State, has been even larger than the illicit and fraudulent gains.

Third. Most of the contracts were obtained by the system of unbalanced bids and other dishonest devices.

Fourth. Much of the work was executed in violation of the contracts, and is useless.

The advantages to the State of the investigations have not been limited to the discovery of the particular frauds, nor even to the destruction of a system involving a vast annual loss to the tax-payers, demoralizing to the public service and corrupting to all governmental life. Incidentally, in arresting these practices, a fund has been rescued from spoliation out of which a real important and valuable improvement can be effected in the main trunks of the canals.

On the first of last month there remained, as nearly as I can ascertain, of the funds applicable to extraordinary repairs and new work:

Unappropriated to specific objects .....	\$633,000	
Existing appropriations for objects not under contract.....	360 000	
Estimated as necessary to settle existing contracts:		
Erie canal .....	\$347,000	
Champlain canal.....	30,000	
Oneida lake canal.....	6,000	
	<hr/>	
	\$383,000	
Balance after settling contracts as proposed.....		300,000
Sum available for new work on Champlain canal enlargement,		270,000
Oneida lake.....		41,000
		<hr/>
		\$1,604,000

I respectfully recommend the enactment of laws providing for the following measures:

1. Empowering and directing the Canal Board to close all existing contracts for extraordinary repairs, except in those special cases where, in the judgment of the Board, it cannot be done without detriment to the interests of the State; and repealing all existing appropriations for extraordinary repairs.

2. Appropriating not exceeding \$400,000 to such payments as may be just and necessary to close existing contracts, but providing that no such appropriation shall become effectual in respect to payments on any contract, until the same shall be certified by the State Engineer in writing to the Canal Board, and afterward duly approved by the Canal Board; and providing further that nothing in any such act of appropriation shall operate or be construed to validate or recognize any contract tainted with illegality or fraud, or to waive any defense of the State in respect to any contract or any right of action in the State, growing out of such contract, or of the work done or required by the same; and likewise appropriating, not exceeding \$100,000, for the purpose of protecting or finishing such work as, in the judgment of the Canal Board, the interests of the State may require to be so protected or finished.

3. Appropriating not exceeding \$400,000 to be expended with the approval of the State Engineer, and under the direction of the Canal Board, to the improvement of the water-way of the Erie canal, with a view of giving full seven feet depth of water, so far as may be practicable, at the opening of navigation in the present year; appropriating not exceeding \$15,000 for a survey and measurement of the water-way of the Erie canal for the purpose of determining its real condition and the places where it specially requires improvement; and appropriating from the residue of funds hitherto applicable to extraordinary repairs on the Erie canal, which are now or may come into the treasury, including moneys which may be withheld by the State on existing contracts or work under them, such sums as may be necessary to improve the water-way of the Erie canal to a depth of seven and a half or eight feet at such places as may be found most useful or most economical.

4. Appropriating such portion of the unexpended balance of former appropriations for the Champlain canal as may be necessary to improve the water-way of that canal.

5. Directing the Canal Board, at the commencement of the next session of the Legislature, to report what, if any, specific improvements, other than that heretofore mentioned, are essential to the interests of the State.

The advantages of improving the water-way of the Erie canal were discussed by me in the annual message of 1875, and again in the annual message of 1876. In the special message of March 19, 1875, while showing the enormous outlay on canals for alleged improvements, questioning the utility of most of the new constructions, exposing the fraudulent devices by which the contracts were obtained, and inviting investigation as to the quality of the work, I still insisted on the immense benefits, at comparatively small cost, of improving the water-way in the following language:

"In my judgment, a far more important improvement of the Erie canal would be effected by a thorough system of ordinary repairs, which should give the water-way its proper and lawful dimensions; and by progressively deepening it, wherever reasonably practicable, from seven

to eight feet. As the object would be merely to enable the submerged section of the boat to move in a larger area of water, so that the displaced fluid could pass the boat in a larger space, it would not be necessary to alter the culverts or other structures, or to carry the walls of the canal below the present bottom; and the benefit would be realized in each portion of the canal improved, without reference to any other part of the channel which should remain unchanged. In facilitating the movement of the boat and quickening its speed, it would increase the amount of service rendered in a given time, and would thereby diminish every element of the cost of transportation. It would benefit the boatmen and carriers more, even, than one cent a bushel remission of tolls. It would be of more real utility to navigation than five or ten times its cost expended in the average manner of so-called improvements on the public works. But it is too simple, too practically useful, to enlist the imagination of projectors who seek the fame of magnificent constructions, and of engineers who build monuments for exhibition to their rivals, or to awaken the rapacity of cormorants who fatten on jobs.

"I renew the recommendation of my annual message upon this subject, and particularly 'that provisions be made by law to enable the State Engineer, soon after navigation is opened, to measure the depth of water in the canal by cross sections as often as every four rods of its length, and on the upper and lower mitre-sill of each lock.'"

These opinions are deduced from the best engineering science as applied to canal navigation, and are confirmed by practical experience. In the present depressed state of business is found an increased necessity and a favorable opportunity for going on with this measure. The interests of the consumers in cheap navigation, of the boatmen and forwarders for every facility in their business—the low prices of materials and the scanty employment of labor, are all circumstances which conspire to demand attention to this subject, and to make the present a fit and advantageous time in which to begin the work; and I do now earnestly ask your consideration of these recommendations, which I regard as of high public importance.

I avail myself of this opportunity to renew the recommendation, recently submitted to you, that a law be passed conferring on the Canal Board full power of investigation and redress of all wrongs done the State in respect to canal work. It seems to me quite clear that such power ought to be vested in that body, and in every similar body, irrespective of the particular occasion.

I likewise renew the recommendation of an ample appropriation in aid of the defenses of the State against fraudulent and unjust canal contracts, and in aid of civil and criminal actions in behalf of the State growing out of canal frauds. It is impossible to properly prepare such cases for trial without larger expenses than the State has hitherto been accustomed to make. The machinery of the State for such legal controversies is very inadequate and ineffective, compared with that of the United States government or any other government, and needs to be supplemented by accessory measures. In recent instances, we have seen rich and powerful public delinquents in the courts defending their possession of plunder and their personal liberty by very numerous counsel, stimulated by enormous fees exceeding many times ordinary professional compensation. The effect is to demand extraordinary sacrifices of time and effort on the part of those who represent the people, to render the litigations extremely engrossing and burdensome. The State will not imitate the

practice of an extraordinary rate of professional compensation; but not to foresee and to provide for the attention, effort and aids commensurate with the necessity would be practically to abandon the assertion of the rights and the protection of the interests of the people against the wrong-doers.

SAMUEL J. TILDEN.

Mr. Woodin moved that so much of said message as relates to an appropriation for the Attorney-General, to prosecute suits arising out of the canal investigation, be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Sayre	
Booth	Doolittle	Prince	Selkreg	
Carpenter	Harris	Robertson	Wellman	
Cole	McCarthy	Rogers	Woodin	16

FOR THE NEGATIVE.

Bixby	Hammond	Lamont	Schoonmaker	
Bradley	Jacobs	Loomis	Starbuck	
Emerson	Kennaday	St. John		11

Mr. Woodin moved that the message be laid upon the table, and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 60.)

The Assembly sent for concurrence the bills entitled as follows:

"An act to confirm the official acts of the trustees of the village of Wellsburgh, in the county of Chemung, and to provide for the election of their successors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act giving certain powers to the trustees of the De Witt Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the Legislature will meet in joint session on Wednesday, March 29, 1876, at twelve o'clock M., for the purpose of electing a Regent of the University, in the place of Prosper M. Wetmore, deceased.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek Railway Company.

"An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the

preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864."

"An act to amend chapter 94 of the Laws of 1875, entitled 'An act further to amend chapter 680 of the Laws of 1870, entitled An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo;' also to amend chapter 680 of the Laws of 1871, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Rogers, the Senate then went into executive session, and after some time spent therein the doors were opened, and

On motion of Mr. Wellman, the Senate adjourned.

## MONDAY MARCH 27, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 24th, was read and approved.

Mr. Robertson presented a petition of citizens of New York for a law prohibiting the manufacture and sale of alcoholic beverages; which was read and referred to the committee on internal affairs.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act relating to the State Reformatory at Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Commissioners to construct a turn-table or swing-bridge over the Erie canal in Church street, in the village of Medina, in the county of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the Auburn Savings Bank to invest in the bonds of the Auburn Water Works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to amend chapter 368 of the Laws of 1864, entitled 'An act to provide for the election of a special county judge in and for the county of Monroe,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to courts of special sessions in, and to regulate the police of, the county of Rensselaer,' passed April 10, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to incorporate the Bethlehem Mutual Insurance Association, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to legalize a sale made by the commissioners for loaning certain moneys of the United States, of the county of Sullivan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cole offered the following:

*Resolved*, That the Auditor of the Canal Department be requested to furnish to the Senate, at as early a day as possible, a full and specific statement of all unexpended balances of appropriations for canal purposes, including those which have become lapsed by expiration of time, giving, in each case, the date and chapter of the law authorizing the same.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Gerard offered the following:

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting the return of Senate bill No. 158, entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes."

After debate,

Mr. Gerard moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester,' passed March 27, 1865," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 217 of the Laws of 1865, entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester, New York,'" and said bill was committed to the committee of the whole.

On motion of Mr. Robertson, and by unanimous consent, said bill was ordered considered in first committee of the whole.

Mr. Gerard moved to reconsider the vote by which the adverse report of the committee on the judiciary upon the bill entitled "An act in relation to jurors in the city of New York," was agreed to.

Mr. Robertson moved that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies and the acts supplementary thereto.'"

"An act to amend chapter 217 of the Laws of 1865, entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester, New York.'"

"An act to provide for uniformity of text-books in common schools."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported that the committee had stricken out the enacting clause of said last named bill, which report was agreed to, and said bill rejected.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association, passed May 9, 1867.'"

"An act to amend the sixteenth section of title 6, of chapter 2 of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases."

"An act to amend section 5 of chapter 427 of the Laws of 1855, entitled 'An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes.'"

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly sent for concurrence the bills entitled as follows:

"An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to extend the time for the collection of taxes in the several towns of the county of Rockland," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend an act entitled 'An act to provide for a public park in the city of Lockport,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to extend the time for the collection of taxes in the town of Hastings, in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Booth, the Senate adjourned.

## TUESDAY, MARCH 28, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Loomis presented a petition of tax-payers of the town of Unadilla, in relation to surplus moneys of said town; which was read and referred to the committee on internal affairs.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies, and the acts supplementary thereto.'"

"An act to amend chapter 217 of the Laws of 1865, entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester.'"

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to facilitate the distribution of the property and effects of the Ashbury Life Insurance Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting him to return to the Assembly the bill entitled "An act to amend an act to provide for an additional supply of water in the city of Albany, passed March 20, 1868," for amendment.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act in relation to Riverside avenue and park, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to amend chapter 217 of the Laws of 1865, entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester, New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Booth	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Vedder
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	Woodin

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and the acts supplementary thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Harris	Robertson	Starbuck
Booth	Jacobs	Rogers	Tobey
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to extend the time for the collection of taxes in the several towns in the county of Rockland," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Prince	Starbuck
Booth	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy	Schoonmaker	

27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend the time for the collection of taxes in the town of Hastings, in the county of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Gerard	Moore	Schoonmaker
Booth	Hammond	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Tobey
Coleman	Lamont	St. John	Wellman
			24

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Harris moved to take from the table the report of the committee of conference upon the Assembly bill entitled "An act making appropriations for the support of government."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President stated the pending question to be on agreeing to that portion of the report of the committee of conference, relating to the court of arbitration.

Mr. Jacobs moved to recommit the report to the committee of conference, with instructions to amend the report so that no tax for the purpose of sustaining the court of arbitration be levied upon the city of New York, without the consent of the local authorities thereof.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Jacobs	Rogers	Starbuck
Bradley	Lamont	Sayre	Wellman
Emerson	Loomis		
			14

FOR THE NEGATIVE.

Booth	Hammond	Prince	Tobey
Carpenter	Harris	Robertson	Vedder
Cole	McCarthy	St. John	Wagner
Doolittle	Moore	Selkreg	Woodin
			16

Mr. Jacobs moved to recommit to the committee of conference, with instructions to so amend the report that no tax shall be levied upon the State or upon the city of New York for the support of the court of arbitration.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Rogers	Starbuck
Bixby	Gerard	Sayre	Vedder
Bradley	Jacobs	Schoonmaker	Wellman
Cole	Morrissey	Selkreg	
			15

FOR THE NEGATIVE.

Booth	Hammond	McCarthy	St. John
Carpenter	Harris	Moore	Tobey
Coleman	Lamont	Prince	Wagner
Doolittle	Loomis	Robertson	Woodin
			18

The President then put the question whether the Senate would agree to that portion of the report relating to the court of arbitration, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Starbuck
Bixby	Hammond	Morrissey	Tobey
Booth	Harris	Prince	Vedder
Bradley	Lamont	Robertson	Wagner
Carpenter	Loomis	Rogers	Wellman
Coleman	McCarthy	St. John	Woodin

24.

## FOR THE NEGATIVE.

Cole	Gerard	Schoonmaker	Selkreg
Emerson	Jacobs		

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The bill entitled "An act to amend chapter 834 of the Laws of 1869, and also to amend chapter 455 of the Laws of 1870, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson,'" having been announced for a third reading,

Mr. Starbuck moved that the third reading of said bill be suspended, and that the same be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McCarthy, from the committee on privileges and elections, to which was referred the matter of the petition of James Cavanagh, claiming the seat of Hon. John C. Jacobs, Senator from the Third Senatorial District, presented a report thereon adverse to said petition, and recommended the adoption of the following resolution :

*Resolved*, That James Cavanagh is not entitled to a seat in this Senate.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

(See Doc. No. 62.)

The bill entitled "An act to enlarge the powers of the Canal Board," having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows :

Section 2, line 16, after the word "counsel," insert the words "who may ask any pertinent question of such witness, and his answers there-to shall be reduced to writing by such board, as a part of the deposition of such witness."

Mr. Rogers moved to recommit said bill to the committee of conference, with instructions to amend as follows :

Section 4, line 8, after the word "act," insert the words "touching the subpoenaing and attendance of witnesses, and the conduct of examinations before the Canal Board."

Mr. Harris moved to amend that the bill be recommitted to the committee of conference, with instructions to strike out section 4 of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Wagner
Booth	Harris	Selkreg	Wellman
Cole	McCarthy	Vedder	Woodin
Coleman	Moore		

14

FOR THE NEGATIVE.

Bixby	Hammond	Morrissey	St. John
Bradley	Lamont	Robertson	Schoonmaker
Gerard	Loomis	Rogers	Starbuck

12

The President then put the question whether the Senate would agree to said motion of Mr. Rogers, as amended, and it was decided in the affirmative.

Mr. Gerard moved to take from the table the resolution in the words following:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting the return of Senate bill No. 158, entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York, for railroad purposes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Robertson	Schoonmaker	Vedder
Gerard	Rogers	Selkreg	Wagner
Hammond	St. John	Starbuck	Wellman
Prince			

13

FOR THE NEGATIVE.

Baaden	Cole	Harris	McCarthy
Bixby	Coleman	Lamont	Morrissey
Booth	Doolittle	Loomis	Woodin
Carpenter			

13

Mr. Prince called from the table the Assembly concurrent resolution in the words following:

*Resolved*, (if the Senate concur), That the Legislature will meet in joint session on Wednesday, March 29, 1876, at 12 o'clock M., for the purpose of electing a Regent of the University, in the place of Prosper M. Wetmore, deceased.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Prince offered the following:

*Whereas*, General Prosper M. Wetmore, of Queens county, has recently died, after a long life of activity and usefulness, in which he held, with honor, many public positions, and notably that of Regent of the University, for almost half a century,

*Resolved*, That this Senate considers it no more than due to put on record this expression of its appreciation of the public services of the

deceased, whose faithfulness and integrity in the performance of every duty imposed upon him during a long and conspicuous career, are an example worthy the emulation of the young men of the State, and the grateful remembrance of his fellow-citizens.

*Resolved*, That a copy of these resolutions be suitably engrossed, and sent to the family of the deceased.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

Mr. Vedder moved that the Senate hold an executive session at a quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad companies, and to regulate the same,'" with a message that they had concurred in the passage of the same, with the following amendment (reference to engrossed bill):

Insert the following at the end of section 2, after the word "law."

"Nor shall the provisions of this section authorize the alteration of route or terminus of any railroad in any town, county or municipal corporation which has issued bonds, or any town which may be bonded but whose bonds have not yet been issued or subscribed for and taken, any stock or bonds in aid of the construction of such railroad, without the consent in writing of, and subscribed by, a majority of the tax-payers appearing upon the last assessment roll of said town, county or municipal corporation."

Strike out the words "section 2," and add section 2 to section 1.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Gerard	Moore	Selkreg
Booth	Harris	Morrissey	Vedder
Bradley	Jacobs	Prince	Wagner
Carpenter	Lamont	Robertson	Wellman
Coleman	Loomis	St. John	Woodin

24

When the name of Mr. Rogers was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The hour, quarter before 2 o'clock, having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Gerard moved to reconsider the vote by which the resolution requesting the Assembly to return to the Senate the bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York, for railroad purposes," was lost.

Mr. Booth moved that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Cole	Lamont	Morrissey
Birby	Doolittle	McCarthy	Woodin
Booth	Harris		

10

## FOR THE NEGATIVE.

Gerard	Rogers	Selkreg	Vedder
Hammond	St. John	Starbuck	Wagner
Prince	Schoonmaker	Tobey	Wellman
Robertson			

13

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Woodin moved that the Senate do now take a recess until half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

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 HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the officers, clerks and attaches of the Marine Court of the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the clerks, officers and attendants of the Marine Court of the city of New York," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to the local government of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks in connection with the American Museum of Natural History and the Metropolitan Museum of Art," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to municipal indebtedness, and to provide for the redemption of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to that portion of the Great Western turnpike road commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street in said city, on the west," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to extend the time for making assessments for taxes in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 4 of chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the appointment of an additional number of notaries public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to enlarge the powers of the Canal Board," with instructions to strike out the fourth section thereof, reported that the committee have made the amendments thereto as instructed by the Senate, and have directed their chairman to report the same to the Senate, and said bill was ordered to a third reading.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 451 of the Laws of 1867, entitled 'An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua,' passed April 19, 1867," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 451 of the Laws of 1867, entitled 'An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua.'"

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Cole	Lamont	Schoonmaker
Bixby	Coleman	McCarthy	Vedder
Booth	Doolittle	Robertson	Wagner
Bradley	Gerard	Rogers	Wellman
Carpenter	Harris	St. John	Woodin
			20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Bradley, and by unanimous consent, the bill entitled "An act to authorize the city of Elmira to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof."

"An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department."

"An act to authorize the city of Elmira to borrow money and issue bonds of the city therefor in payment of the floating debt of said city."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *March 28, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend chapter 328 of the Laws of 1873, entitled 'An act to amend an act entitled An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Fish, and by unanimous consent, the same was amended as follows :

Section 1, line 7, after the word "follows," insert "Section 1. Section 4 of the act entitled 'An act to provide for an additional supply of water in the city of Albany,' passed March 20, 1868, and amended by chapter 328 of the Laws of 1873, is hereby further amended so as to read as follows: After the word "work," line 18, engrossed bill, insert "Section 2."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*



The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Rogers
Booth	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Selkreg
Carpenter	Harris	Morrissey	Starbuck
Cole	Jacobs	Prince	Vedder
Coleman	Lamont	Robertson	Woodin

24

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Schoonmaker
Booth	Gerard	McCarthy	Selkreg
Bradley	Hammond	Morrissey	Starbuck
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Woodin
Coleman	Lamont	Rogers	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act relating to the payment of assessments for local improvements in the city of New York," with a message that they had concurred in the passage of the same, with the following amendments (reference to engrossed bill):

Section 1, line 4, after the word "six," insert the words "and which, at the time of the passage of this act, have been returned to the clerk of arrears for collection."

Add, at the end of section 1: "But nothing contained in this section shall prohibit the person liable to pay an assessment from paying the whole amount of such assessment in one payment, if he may so desire."

Section 2, lines 3 and 4, strike out the words "in installments."

Section 3, lines 5 and 6, strike out, after the word "of," the words "any of said installments," and insert in lieu thereof the following: "said assessments, as herein provided."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Loomis	Schoonmaker
Booth	Doolittle	McCarthy	Selkreg
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Morrissey	Vedder
Cole	Lamont	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to provide for the appointment of a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation," with a message that they had concurred in the passage of the same, with the following amendments:

Section 12, line 1, after the word "all," insert the words "corrupt and willful."

Section 14, line 2, strike out the word "twenty," and insert the word "fifteen," in lieu thereof.

Section 15, line 2, strike out all after the words "sergeant-at-arms," down to and including the word "necessary," in line 4, and insert in lieu thereof the words "and a clerk, who shall also be a stenographer, and one expert, to assist them."

Same section, line 7, strike out the words "their respective," and insert the word "his," in lieu thereof.

Same section, line 9, after the word "be," insert the words "subject to the approval of and to be."

Section 17, line 9, strike out, after the word "room," all down to and including the word "Legislature."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Moore	Selkreg
Booth	Harris	Morrissey	Starbuck
Bradley	Jacobs	Prince	Vedder
Coleman	Lamont	Robertson	Wellman
Doolittle	Loomis	Rogers	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the Assembly bill entitled "An act to amend chapter 320 of the Laws of 1859, entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,'" with a message that they had concurred in the amendment of the Senate thereto.

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled as follows:

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 180 of the Laws of 1845, entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts.'"

"An act to legalize and confirm the official acts of Charles A. Dolson, as notary public in the county of Allegany."

"An act to amend chapter 511 of the Laws of 1875, entitled 'An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of

1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act.' "

"An act to authorize the Patriot Orphan Home to convey certain real estate."

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly concurrent resolution in the words following:

*Whereas*, At the annual session of the Legislature, for the year 1875, a proposed amendment to the Constitution was agreed to by concurrent vote of the Senate and Assembly, viz.:

*Resolved*, That section 4, article 5 of the Constitution be amended so as to read as follows:

§4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agent, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerk of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the inspectors of State prisons; and from and after the time when such superintendent of State prisons shall have been appointed and qualified, the office of Inspector of State prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense; and,

*Whereas*, The said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their respective journals, with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the then next general election of Senators; and,

*Whereas*, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1, of article 13 of the Constitution; therefore,

*Resolved* (if the Senate concur), That the said amendment be agreed to by the two houses comprising the present legislature; reported in favor of the passage of the same, with amendments.

The President put the question whether the Senate would concur in said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Booth	Emerson	Morrissey	Starbuck
Bradley	Gerard	Prince	Vedder
Carpenter	Hammond	Robertson	Wagner

Cole	Harris	Rogers	Wellman	
Coleman	McCarthy	St. John	Woodin	24

## FOR THE NEGATIVE.

Jacobs	Lamont	Loomis	Schoonmaker	4
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*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the commissioner of jurors in the city and county of New York."

"An act in relation to the inspection and running of steamboats on Chautauqua lake."

"An act regulating the forfeiture of life insurance policies."

After some time spent therein the President resumed the chair, and Mr. Rogers, from said committee, reported progress on the two first bills, and asked and obtained leave to sit again.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Wellman, the Senate then went into executive session, and, after some time spent therein, the doors were opened, and

On motion of Mr. Woodin, the Senate adjourned.

## WEDNESDAY, MARCH 29, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Cole presented a petition of citizens of the town of Barre, Orleans county, relative to the present system of assessment; which was read and referred to the committee on finance.

Also, a remonstrance of tax-payers of the village of Albion, against an increase of the number and terms of office of trustees and other officials of said village; which was read and referred to the committee on the affairs of villages.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the city of Elmira to borrow money, and issue bonds of the city therefor in payment of the floating debt of said city."

"An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department."

"An act regulating the forfeiture of life insurance policies."

"An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof."

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof," and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 803 of the Laws of 1868, entitled 'An act to amend the acts to provide for the incorporation of religious societies, so far as the same relates to churches in connection with the Protestant Episcopal Church,'" reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to repeal an act entitled 'An act to amend an act to provide for the incorporation of religious societies, passed April 23, 1867,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act relating to the State Reformatory at Elmira," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Prison Association of New York,' passed May 9, 1846,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to confirm the official acts of the trustees of the village of Wellsburgh, in the county of Chemung, and to provide for the election of their successors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act relating to unpaid taxes in Long Island City," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

Mr. Prince moved that said bill be printed, pending its consideration by the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to extend the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate Niagara Fire and Monitor Hose Company No. 2 of Whitestown, Oneida county, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to extend the time for the collection of taxes in the towns of Oyster Bay and North Hempstead, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the counties of Rockland and Delaware," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year eighteen hundred and seventy-two, to be paid to the supervisor of said town of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 890, Laws of 1867, entitled 'An act to lay out Washington square at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor,' passed May 10, 1867, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act for the preservation of life at sea-bathing places," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to confirm and legalize the proceedings to incorporate the village of Port Dickinson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the village of Cooperstown, in the county of Otsego, to borrow money and issue bonds of the village therefor in payment of the floating debt of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same.

"An act further to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester.'"

"An act to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter 433, of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued, by virtue of said act of 1866."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That 1,500 extra copies of the Annual Report of the State Treasurer be printed for the fiscal year 1875, 1,000 copies for the Legislature, and 500 copies for the use of the State Treasurer.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Loomis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany Railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to amend part 1, chapter 16, title 1 of the Revised Statutes, relating to highways and the duties of highway commissioners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to establish the Buffalo justice's court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to facilitate the determination of claims against the city or county of New York, and the Board of Education of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act authorizing the town of Salamanca, Cattaraugus county, to erect a bridge across the Allegany river, at or near Main street, in the village of West Salamanca, and to appropriate money to aid in its construction," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act securing to Baptist churches of the State of New York the benefits of incorporation, and amending chapter 633

of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, passed May 7, 1847, to extend their charter or corporate existence,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to enlarge the powers of the Canal Board," having been announced for a third reading,

On motion of Mr. Loomis, and by unanimous consent, said bill was amended as follows:

Section 5, line 6 (printed bill), after the word "pertinent," insert the words "he may be proceeded against as for contempt and."

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows:

Section 5, line 10 (printed bill), after the word "facts," insert as follows: "by affidavit verified by one of the members of such board."

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows:

Section 5 (printed bill), add at the end of line 15, the words "in case the misconduct alleged shall be the refusal to answer a question, it shall appear by said affidavit that such question was proper and pertinent, and in case the misconduct alleged is the refusal or neglect to produce any book or paper, said affidavit shall state upon the knowledge or the information and belief of the person making the same, that the production of such book or paper is material and necessary."

On motion of Mr. Bradley, and by unanimous consent, said bill was amended by striking out the inserted words in section 5, "if in his opinion such question was proper and pertinent."

On motion of Mr. Vedder, and by unanimous consent, said bill was amended by striking out the word "city," first occurring in § 5, line 11.

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows:

Section 9, line 3, after the word "certain," insert the words "which time shall not be more than ten days for an adjournment."

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows:

Section 9, line 12, after the word "bond," insert the word "and for the refusal to perform which, he is in custody."

Mr. Starbuck moved that said bill be recommitted to the committee on the judiciary, with instructions to restore the section as amended in committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Jacobs	Robertson	Schoonmaker
Gerard	Lamont	Rogers	Starbuck
Hammond	Loomis	St. John	



## FOR THE NEGATIVE.

Baaden	Coleman	Sayre	Wagner.
Booth	Doolittle	Selkreg	Wellman
Carpenter	Harris	Tobey	Woodin
Cole	Prince	Vedder	15

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Starbuck
Booth	Gerard	Robertson	Tobey
Bradley	Hammond	Rogers	Vedder
Carpenter	Harris	St. John	Wagner
Cole	Jacobs	Sayre	Wellman
Coleman	Lamont	Schoonmaker	Woodin
Doolittle	Loomis	Selkreg	27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the President announced that, pursuant to law, and agreeably to a joint resolution of the Senate and Assembly, the Senate would proceed to nominate a candidate for the office of Regent of the University, to fill vacancy occasioned by the decease of Prosper M. Wetmore.

The Senate thereupon proceeded to the nomination of a candidate in place of Prosper M. Wetmore, deceased, when each Senator rose in his place and nominated as follows :

## FOR JOHN A. DIX.

Baaden	Gerard	Moore	St. John
Booth	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Vedder
Cole	Lamont	Robertson	Wagner
Coleman	Loomis	Rogers	Wellman
Doolittle	McCarthy	Sayre	Woodin
Emerson			25

## FOR LEWIS H. MORGAN.

Tobey	1
-------	---

## FOR JOHN T. HOFFMAN.

Buxby	Hammond	Schoonmaker	Starbuck	5
Bradley				

A quorum having voted, and a majority having named John A. Dix as their choice, the President announced that John A. Dix, of the city of New York, had been duly nominated on the part of the Senate a candidate for the office of the Regent of the University, to fill the vacancy occasioned by the death of Prosper M. Wetmore.

Mr. Moore offered the following :

*Resolved*, That a committee of two be appointed to wait upon the Assembly and inform that body that the Senate have made a nomination

for the office of Regent of the University, and are prepared to meet the Assembly in joint convention to compare nominations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President announced as such committee, Messrs. Moore and Schoonmaker.

Mr. Starbuck called for the consideration of the special order, being the "concurrent resolution proposing an amendment to section 11 of article 8 of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages."

Mr. Woodin moved that said concurrent resolution be made a special order for to-morrow (Thursday) evening, at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Messrs. Smith and Ruggles, a committee from the Assembly, appeared in the Senate, and announced that the Assembly had completed their nomination for Regent of the University, and were ready to meet the Senate in joint convention and compare nominations.

Mr. Moore, from the committee appointed to wait upon the Assembly, relative to the nomination for Regent of the University, reported that the committee had performed that duty.

The President accordingly left the chair, and, with the Senate, proceeded to the Assembly Chamber, and on comparing nominations for the office of Regent of the University, were found to agree upon the name of John A. Dix.

Thereupon the President announced that John A. Dix, of the city of New York, was duly elected a Regent of the University, to fill the vacancy occasioned by the death of Prosper M. Wetmore.

The Senate having returned to the Senate Chamber, the President announced the foregoing proceedings as having taken place.

On motion of Mr. Tobey, and by unanimous consent, the committee on the judiciary were discharged from the further consideration of the Assembly bill entitled "An act to extend the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Bradley	Lamont	St. John	Vedder
Carpenter	Loomis	Sayre	Wagner
Cole	Morri-sey	Schoonmaker	Wellman
Coleman	Prince	Selkreg	Woodin

24

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended and the clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

A resolution was received from the Assembly, as follows :

*Resolved*, That a respectful message be sent to the Senate, asking for

the return of Senate bill No. 54, entitled "An act for the appointment of a commission to investigate the affairs of the State prisons for the State, and to prescribe the manner of such investigation," for the purpose of correcting a manifest error in the message to the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Schoonmaker moved to reconsider the vote by which the amendments of the Assembly to the said bill were concurred in.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Bradley	Hammond	St. John	Vedder
Carpenter	Lamont	Sayre	Wagner
Cole	Loomis	Schoonmaker	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Morrissey		

26

*Ordered,* that the Clerk return said bill to the Assembly.

Mr. Starbuck moved that the bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to extend the time for the collection of taxes in the towns of Oyster Bay and North Hempstead, in the county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Schoonmaker
Bixby	Emerson	Moore	Starbuck
Booth	Gerard	Prince	Tobey
Bradley	Hammond	Robertson	Vedder
Cole	Jacobs	Rogers	Woodin
Coleman	Lamont	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Schoonmaker
Bixby	Doolittle	Prince	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Jacobs	Sayre	Woodin
Cole	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act regulating the forfeiture of life insurance policies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Gerard	Moore	Starbuck
Bradley	Hammond	Morrissey	Vedder
Cole	Harris	Robertson	Wellman
Coleman	Jacobs	Sayre	Woodin
Doolittle	Lamont	Schoonmaker	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the city of Elmira to borrow money, and issue bonds of the city therefor in payment of the floating debt of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Vedder
Coleman	Loomis	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Woodin
Emerson	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof," having been announced for a third reading,

Mr. Prince moved that Assembly bill No. 180 entitled "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813, and of the several acts amendatory thereof," as amended by the Senate, and the title amended so as to read

"An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof," be substituted therefor.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said Assembly bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Harris	Robertson	Vedder
Booth	Jacobs	Rogers	Wagner
Cole	Loomis	Sayre	Woodin
Emerson	Moore	Schoonmaker	

19

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Gerard moved the adoption of the resolution recalling from the Assembly the bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York, for railroad purposes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk transmit said resolution to the Assembly, with an appropriate message.

Mr. Cole offered the following:

*Whereas*, His Excellency the Governor, in his recent message to the Legislature on canal matters, recommended the initiation of a new scheme of enlarging the Erie canal, at the expense of the tax-payers of this State, viz., deepening the prism thereof to the depth of seven and one-half or eight feet, and an appropriation of \$400,000 to commence the work,

*Resolved*, That the Canal Commissioners be required to report to the Senate, at the earliest date practicable,

First. The condition of the Erie and other enlarged, or partially enlarged canals, during the past season, and the adaptation of the Erie, Oswego and Cayuga and Seneca canals, to boats of 240 tons tonnage and six feet draft of water, and the capacity of our several canals to accommodate the business hitherto offering to them respectively.

Second. Whether, in their judgment, any effect which will materially enhance the value of the Erie canal, or sensibly cheapen transportation, can be produced by the expenditure of the sum recommended.

Third. An approximate estimate of the cost of the proposed improvement applied to the entire length of the Erie canal, and the probable time which will be required for its completion.

Fourth. Whether such improvement can essentially benefit navigation while all the mitre sills of the locks, all the aqueducts, and all the culverts, remain from six inches to one foot above the proposed canal bottom.

Fifth. An approximate estimate of the cost of this improvement, if it shall include the adaptation of all the locks, aqueducts and culverts to the increased depth of water proposed, and whether attaining the increased depth of water on the plan recommended by his excellency the Governor is not a mistaken engineering expedient, if the cost of cutting down the prism or raising the banks be compared, and that said estimate embrace the probable land damages growing out of the proposed change in canal bottom.

Sixth. Whether the cutting down of the prism, as proposed, will not endanger the stability of existing walls, and what would be the effect of the proposed change on the present water supply.

Seventh. Whether the commissioners apprehend any difficulty in opening the canals at an early day, for the coming season, and maintaining a navigation quite as good as last year, with the means at their command, from the ordinary repair fund, and whether they deem any further appropriation necessary to this object.

Eighth. Whether \$15,000, or any sum in addition to the usual appropriation for the maintenance and management of the canals, is necessary in order "to determine the real condition of the canals, and whether the knowledge on this question possessed by the commissioners, superintendents and their subordinates, together with the present engineering force, is not entirely sufficient to impart any information required upon this subject.

Mr. Jacobs moved that said resolution be laid upon the table until to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows :

"An act to confirm the election of village trustees in certain cases," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wagner, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Hammond	Morrissey	Starbuck
Bradley	Harris	Robertson	Vedder
Cole	Jacobs	Rogers	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

"An act in relation to the compensation of certain public officers in Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Jacobs, the Senate adjourned.

## THURSDAY, MARCH 30, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Carpenter presented a remonstrance of owners of steam vessels against the provisions of the act relative to depositing ashes, &c., in certain portions of the Hudson river; which was read and referred to the committee on commerce and navigation.

Mr. St. John presented a petition of citizens of Newburgh, in favor of granting the Fishkill and Newburgh Railroad Company the right to build a bridge across the Hudson river; which was read and referred to the committee on railroads.

Mr. Kennaday presented a petition of Henry E. Pierrepont and others, for the passage of a bill to establish a commission to survey the State; which was read and referred to the committee on finance.

Mr. Tobey presented a petition of citizens of the town of Ellenburgh, for the repeal of the act to establish a special road district from Chateaugay lake to Saranac; which was read and referred to the committee on roads and bridges.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to authorize the Auburn Savings Bank to invest in the bonds of the Auburn Water-works Company," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Buffalo Bar Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of said town of Orleans," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the removal of clouds and apparent liens upon the title to real estate," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to protect hotel-keepers and inn-keepers and the guests of hotels and inns, and for the punishment of persons who shall cheat or defraud hotel or inn-keepers," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the liability of inn-keepers," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the appointment of a

librarian to take charge of a library of the third district, and to insure the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act in relation to wills of personal estate," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the filing and recording of deeds and conveyances of real estate, and mortgages on personal property," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize a sale made by the commissioners for loaning certain moneys of the United States, of the county of Sullivan," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act passed April 18, 1874, entitled 'An act to amend an act passed April 18, 1859, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany County Penitentiary, passed April 12, 1858, to all the counties in this State,'" reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Selkreg, from the committee on railroads, to which was recommended the bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title," reported in favor of the passage of the same, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the sale of a part of the 'poor-house farm,' so called, situate in town of Oswego; also, certain land in the city of Oswego known as public square block," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal chapter 38 of the Laws of 1874, entitled 'An act for the disposition of excise moneys and fines for intoxication, within the village of Monticello,' passed February 27, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town, for the purpose of building a town hall," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the



out-door poor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' passed April 29, 1875," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,'" and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 184 of the Laws of 1851, entitled 'An act in relation to weights and measures,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to confirm and legalize the proceedings to incorporate the village of Port Dickinson," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the village of Cooperstown, in the county of Otsego, to borrow money and issue bonds of the village therefor, in payment of the floating debt of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect Park, in the city of Brooklyn, towards Coney Island, in the county of Kings,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to arrears of taxes in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 163 of the Laws of 1873, entitled 'An act to organize and establish a police for the city of Yonkers,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to prevent the deposit of mud, earth, soil, ashes, or refuse, in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to fix the time for filling in and improving the lands between high and low water mark on the easterly shore of the Harlem river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend chapter 143 of the Laws of 1861, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861, and the various acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to renew the charter of the State road, from the Orange turnpike to Nyack, in the county of Rockland,' as passed April 20, 1830, as renewed June 18, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act relating to the appointment and duties of engineers employed on the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to the salaries of officers and persons paid from the treasury of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the bill entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation," with a message that they had concurred in the passage of the same, with the following amendments:

Section 12, line 1, after the word "all," insert the words "corrupt and wilful."

Section 14, line 2, strike out the word "twenty," and insert the word "fifteen," in lieu thereof.

Section 15, line 2, strike out the word "two," before the word "clerks," and insert in lieu thereof the word "one." Strike out the letter "s," in the word "clerks."

Same section, line 7, strike out the words "their respective," and insert the word "his," in lieu thereof.

Same section, line 9, after the word "be," insert the words "subject to the approval of, and to be."

Section 17, line 9, strike out, after the word "room," all down to and including the word "Legislature."

Mr. Schoonmaker moved that the Senate non-concur in said amendments, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Schoonmaker, Wellman and Vedder.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly returned the bill entitled "An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder," with a message that they had passed the same with the following amendment:

Add as section 2 the following:

§ 2. Indictments and prosecutions now pending, or which may be hereafter instituted for any offences which shall have been committed prior to the passage of this act, shall be instituted and proceeded with in all respects as if this act had not been passed.

Change "section 2" to "section 3."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Bixby	Hammond	Morrissey	Sayre
Carpenter	Harris	Prince	Schoonmaker
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis		

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*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendment.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the Grand Lodge of the Order of Herman Sons of the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 38, title 1, of chapter 17, part 1 of the Revised Statutes, relative to auction sales in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Doolittle asked and obtained leave to introduce a bill entitled "An act to protect town, county or municipal corporations from the payment of spurious, fraudulent or illegal bonds, or the coupons attached to the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to water companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act to amend chapter 47 of the Law of 1873, entitled 'An act to amend chapter 83 of the Laws of 1869, entitled 'An act to provide for the improvement of Grass river and of the water power therein, and to check freshets therein,' passed March 31, 1869," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend sections 18 and 20, title 2 of chapter 6, of part 2 of the Revised Statutes, entitled 'Of granting letters testamentary,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to amend chapter 463 of the Laws of 1853, for the incorporation of life and health insurance companies, and in relation to agencies of such companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to extend to banks located in and organized under the laws of other States, certain rights and powers now possessed by the savings banks of this State," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 578 of the Laws of 1875, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,' passed February 28, 1873." which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act relative to the collection of taxes in the town of Platteburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under its new title," having been announced for a third reading,

Mr. Moore moved that said bill be recommitted to the committee on railroads, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Moore	Robertson	Starbuck	Woodin	4
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FOR THE NEGATIVE.

Doolittle	Lamont	Prince	Vedder	
Gerard	Loomis	Sayre	Wagner	
Harris	McCarthy	Selkreg	Wellman	
Kennaday	Morrissey			14

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	Selkreg	
Cole	Harris	McCarthy	Vedder	
Coleman	Kennaday	Prince	Wagner	
Doolittle	Lamont	Sayre	Wellman	16

## FOR THE NEGATIVE.

Moore	Robertson	Starbuck	Woodin	
Morrissey	Schoonmaker			6

Mr. Sayre moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bixby moved to take from the table the message of the Governor, in response to a resolution of the Senate, relative to the appointment of James P. Sinnott, as judge of the marine court of the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

After debate,

Mr. Gerard moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hammond offered the following:

*Resolved* (if the Assembly concur), That the Secretary of State is hereby authorized and directed to cause all the general and special laws relating to the poor, in force in this State at the close of the present session of the Legislature, to be compiled and published in pamphlet form, with such notes and explanations, forms and instructions, adapted to the several systems of supporting the poor, as in his opinion may be necessary, and that he cause the same, when published, to be distributed to superintendents and overseers of the poor and keepers of poor houses in this State; also to town and city clerks, county clerks, and clerks of boards of supervisors of this State, and five hundred copies to the State Board of Charities.

*Ordered*, That said resolution be laid upon the table.

On motion of Mr. Vedder, and by unanimous consent, the bill entitled "An act authorizing the Rochester and State Line Railway Company to amend its articles of association," was ordered considered in first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the Rochester and State Line Railway Company to amend its articles of association."

Assembly, "An act in relation to wills of personal estate."

Assembly, "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof.'"

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Emerson, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bradley	Hammond	Morrissey	Selkreg
Carpenter	Harris	Prince	Starbuck
Coleman	Jacobs	Robertson	Vedder
Doolittle	Kennaday	Rogers	Wagner
Emerson	Loomis	Sayre	Wellman
Gerard	McCarthy	Schoonmaker	Woodin

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Doolittle moved that the Senate hold an executive session at a quarter before 2 o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to incorporate the Maritime Association of the port of New York,' passed April 11, 1874."

Assembly, "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Peterson, formerly Charity Boston, his widow."

"An act relating to certain commissioners appointed to perform duties relative to roads, highways, avenues, streets or boulevards."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby moved to take from the table the message of the Governor in response to resolution of the Senate, relative to the appointment of James P. Sinnott as Judge of the Marine Court of the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bixby offered the following :

*Resolved*, That the special message of the Governor relating to the appointment of Judge of the Marine Court of the city of New York,

be referred to the judiciary committee, with instructions to report whether, in their opinion, any legislation is necessary to make more definite and certain the authority to appoint Judges of the Marine Court of said city, in case of vacancies therein.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Gerard gave notice that he would, at an early day, move for the suspension of that part of Senate rule No. 40 which reads: "But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate." Also, that part reading, "Nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or within the next three days of the actual session of the Senate thereafter."

The Assembly, pursuant to request, returned the bill entitled "An act to prevent the use and occupation of the Battery and other public parks in the city of New York for railroad purposes."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of quarter before two o'clock having arrived, the President resumed the chair, and the Senate went into executive session, at the conclusion of which the doors were opened, and,

On motion of Mr. Rogers, the Senate took a recess until half-past seven o'clock, P. M.

#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Senate resolved itself into a committee of the whole, and resumed the consideration of general orders, being the bills and concurrent resolution, entitled as follows:

Assembly, "An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 836 of the Laws of 1872, entitled An act to regulate places of public amusement in the city of New York.'"

Assembly, "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business."

"Concurrent resolution proposing an amendment to article 9 of the Constitution, relative to the common schools."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Jacobs moved that said resolution, with amendments proposed in committee of the whole, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the concurrent resolution proposing an amendment to section 11 of article 8 of the

Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on said concurrent resolution, and asked and obtained leave to sit again.

Mr. Woodin moved that the further consideration of said concurrent resolution, and also Senate bill No. 196, entitled "An act relating to municipal indebtedness, and to provide for the redemption of the same," be made a special order for Thursday next, April 6, immediately after the order of business of "motions and resolutions."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the consideration of Senate bill No. 192, entitled "An act relating to the local government of the city of New York," be made a special order for Thursday next, April 6, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the bills entitled as follows:

"An act relating to the payment of assessments for local improvements in the city of New York."

"An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act authorizing the Rochester and State Line Railway Company to amend its articles of association."

"An act to amend chapter 217 of the Laws of 1865, entitled 'An act to establish the office of receiver of taxes and assessments in the town of Eastchester, in the county of Westchester.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act in relation to the organization of certain business corporations."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 451 of the Laws of 1867, entitled 'An act to incorporate the village of Mayville, in the town of Chautauqua, in the county of Chautauqua.'"

"An act supplemental to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled Assembly bill, with a message that they had agreed to the report of the committee of conference thereon:

"An act making appropriations for the support of government."

*Ordered*, That the Clerk return said bill to the Assembly.



The Assembly returned the Assembly concurrent resolution proposing an amendment to section 4 of article 5 of the Constitution (relative to a Superintendent of State Prisons), with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said resolution to the Assembly.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act authorizing the Rochester and State Line Railway Company to amend its articles of association."

And the following entitled bill as correctly re-engrossed:

"An act to enlarge the powers of the Canal Board."

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 578 of the Laws of 1875, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,' passed February 28, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the compensation of certain public officers in Long Island city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' and passed February 28, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers,' passed June 1, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 163 of the Laws of 1873, entitled 'An act to organize and establish a police for the city of Yonkers,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act to repeal sections 3, 4, 5, 6, 7 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the

relief of the Corning Library,'” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Prince, and by unanimous consent, the Assembly bill entitled “An act in relation to the compensation of certain public officers in Long Island City,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths, being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Starbuck
Bixby	Harris	Robertson	Tobey
Bradley	Jacobs	Rogers	Vedder
Cole	Kennaday	Sayre	Wagner
Doolittle	McCarthy	Schoonmaker	Wellman
Gerard	Morrissey	Selkreg	Woodin
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, “An act to amend chapter 832 of the Laws of 1873, entitled ‘An act to incorporate the Central Trust Company of New York,’ passed June 25, 1873.”

“An act to enable a wife to be a witness against her husband, or on behalf of another party, in cases of criminal conversation.”

“An act to amend chapter 595 of the Laws of 1873, entitled ‘An act relative to certain negotiable corporate bonds and obligations.’”

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read “An act to enable a wife to be a witness in cases of criminal conversation,” which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Cole, the Senate then went into executive session, and after some time spent therein the doors were opened, and

On motion of Mr. Cole, the Senate adjourned.

FRIDAY, MARCH 31, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Harris presented a remonstrance of the New York Chapter of the American Institute of Architects, against the proposed changes in the plans for building of the new Capitol.

Mr. Harris moved that said remonstrance be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 65.)

Also, a remonstrance of Thomas Fuller, architect, against the proposed change in the plans for the building of the new Capitol.

Mr. Harris moved that said remonstrance be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 66.)

Mr. Doolittle, from the committee on public printing, to which was referred the Assembly resolution to print 500 copies of the Report of the Superintendent of the Salt Springs, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That there be printed 500 copies of the Report of the Superintendent of the Salt Springs, for the use of his office.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Rogers
Booth	Gerard	McCarthy	Sayre
Cole	Harris	Morrissey	Schoonmaker
Coleman	Kennaday	Prince	Starbuck
Doolittle	Lamont	Robertson	Wagner. 20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Wagner, from the committee on public printing, to which was referred the Assembly resolution to print 1,500 extra copies of the Annual Report of the State Treasurer, reported in favor of the following resolution:

*Resolved* (if the Senate concur), That 1,500 extra copies of the Annual Report of the State Treasurer be printed for the fiscal year 1875; 1,000 copies for the Legislature, and 500 copies for the use of the State Treasurer.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Robertson
Bixby	Doolittle	Loomis	Sayre
Bradley	Emerson	McCarthy	Schoonmaker
Carpenter	Gerard	Morrissey	Starbuck
Cole	Harris	Prince	Wagner 20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act relating to the appointment and duties

of engineers employed on the canals of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris moved that said bill, as amended, be printed, and that the same be made a special order for Tuesday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to incorporate Niagara Fire and Monitor Hose Company No. 2 of Whitestown, Oneida county, New York," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Grand Section of Cadets of Temperance of the State of New York," reported adversely thereto (Mr. Prince dissenting).

Mr. Prince moved that the report of the committee be disagreed to, and that the said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Gerard	Prince	Vedder	Wellman	4
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#### FOR THE NEGATIVE.

Bixby	Doolittle	Moore	Selkreg	
Booth	Harris	Morrissey	Starbuck	
Bradley	Kennaday	Robertson	Tobey	
Carpenter	Lamont	Rogers	Wagner	
Cole	Loomis	St. John	Woodin	
Coleman	McCarthy	Schoonmaker		23

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said bill was rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to establish a local court of civil jurisdiction in the city of Rochester, and to amend the charter of

said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to sales of personal property on execution or attachment," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act relating to the sale of personal property upon execution and other process in the city and county of New York," and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to certain commissioners appointed to perform duties relative to roads, highways, avenues, streets or boulevards."

"An act to amend chapter 595 of the Laws of 1873, entitled 'An act in relation to certain negotiable corporate bonds and obligations.'"

"An act to enable a wife to be a witness in cases of criminal conversation."

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting him to return Assembly bill No. 107, entitled "An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,' passed May 9, 1867," for amendment.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the Secretary of State and Comptroller be requested to invite the contractor for "legislative printing," Jerome B. Parmenter, either to cancel the existing contract or enter into a supplemental one, which shall explain the ambiguities in reference to extra printing, and for composition, engraving, &c., when extras are ordered either for or not for the Legislature, and reconcile the apparent contradictory terms in the present contract, and to state anew what was intended in the paragraph in reference to using fine paper in regard to binding.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same.

"An act to repeal chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' and in relation to committals to the police station in said village of West Troy."

"An act to amend an act passed April 18, 1874, entitled 'An act to amend an act passed April 18, 1859, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany

county penitentiary, passed April 12, 1858, to all the counties in this State."

"An act to enable the commissioners of the alms-houses of the city of Kingston to borrow a sum not exceeding \$5,000 and to provide for the payment thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts of Elijah Clark, a justice of the peace in the town of De Witt, in the county of Onondaga, and to enable him to take and file his oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 595 of the Laws of 1873, entitled 'An act relative to certain negotiable corporate bonds and obligations,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Birby	Emerson	Loomis	Schoonmaker
Booth	Gerard	Moore	Vedder
Bradley	Hammond	Morrissey	Wagner
Cole	Harris	Robertson	Wellman
Coleman	Kennaday	Sayre	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to certain commissioners appointed to perform duties relative to roads, highways, avenues, streets or boulevards," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Birby	Gerard	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Wagner
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable a wife to be a witness in cases of criminal conversation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Tobey
Bixby	Gerard	Morrissey	Vedder
Booth	Harris	Robertson	Wagner
Carpenter	Kennaday	Rogers	Wellman
Cole	Loomis	Sayre	Woodin
Coleman	McCarthy	Selkreg	23

## FOR THE NEGATIVE.

Bradley	Hammond	St. John	Starbuck
Emerson	Lamont	Schoonmaker	7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Maritime Association of the port of New York,' passed April 11, 1874," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Booth	Emerson	Prince	Tobey
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Schoonmaker	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 832 of the Laws of 1873, entitled 'An act to incorporate the Central Trust Company of New York,' passed June 25, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Prince	Schoonmaker
Booth	Harris	Robertson	Selkreg
Bradley	Kennaday	Rogers	Tobey
Coleman	Loomis	St. John	Wellman
Doolittle			21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter 481 of the Laws of 1874, may commence the transaction of its business," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Schoonmaker
Bixby	Gerard	McCarthy	Selkreg
Booth	Hammond	Moore	Tobey
Carpenter	Harris	Prince	Wellman
Coleman	Kennaday	Robertson	Woodin
Doolittle	Lamont		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Peterson, formerly Charity Boston, his widow," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Schoonmaker
Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Moore	Tobey
Bradley	Gerard	Prince	Wagner
Carpenter	Kennaday	Robertson	Wellman
Cole	Lamont	Sayre	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to wills of personal estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Prince	Schoonmaker
Carpenter	Gerard	Robertson	Vedder
Cole	Harris	Rogers	Wagner

20

## FOR THE NEGATIVE.

Lamont	Selkreg
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 836 of the Laws of 1872,



entitled *An act to regulate places of public amusement in the city of New York,*" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Bixby	Emerson	Robertson	Starbuck
Booth	Lamont	Rogers	Tobey
Carpenter	Loomis	St. John	Vedder
Cole	McCarthy	Schoonmaker	Wellman
Coleman			

21

## FOR THE NEGATIVE.

Gerard

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly sent for concurrence the bills entitled as follows :

"An act to extend the time for the collection of taxes in the town of Johnstown, Fulton county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Prince	Tobey
Booth	Hammond	Robertson	Vedder
Bradley	Lamont	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Moore		

26

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

"An act to extend the time for the collection of taxes in the town of Volney, in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Sayre

Bradley	Gerard	Morrissey	Schoonmaker	
Carpenter	Harris	Prince	Selkreg	
Cole	Lamont	Robertson	Wagner	
Coleman	Loomis	Rogers	Woodin	24

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and the Clerk was ordered to return said bill to the Assembly, immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. McCarthy moved to take from the table the resolution in the words following:

*Whereas*, By the Constitution of this State, it is provided that the Governor "shall communicate, by message, to the Legislature, at every session, the condition of the State;" and,

*Whereas*, In the performance of the duty so enjoined, his Excellency the Governor did, at the commencement of the present session, so communicate, by a message of more than usual interest, evincing great research, and enforcing, with marked ability, correct constitutional principles; and,

*Whereas*, The investigating commission composed of John Bigelow, D. Magone, Jr., A. E. Orr and John D. Van Buren, Jr., have executed the trust reposed in them with unswerving and impartial fidelity, and with distinguished intelligence and ability; and,

*Whereas*, The measures of reform instituted by the Governor and aided by the commission, by effectually breaking up an organized system of frauds upon the treasury, have been and will be of inestimable service in elevating the standard of official integrity, and in relieving the people from oppressive taxation; and,

*Whereas*, The majority of this body, after having made unjust imputations against the Governor and the commission, have, by their votes, denied the right of reply, and have thus sought to shield party leaders from arraignment for their opposition to reform, and for their alliance with and support of the detected plunderers of the treasury; and,

*Whereas*, The present federal administration has, in numerous particulars, manifested a disregard of the rights of the States and of the people; legislated oppressively against labor; asserted the superiority of the military over the civil power; assumed powers never delegated, and sought to nullify constitutional limitations, and to build up a consolidated government of unlimited powers; therefore

*Resolved*, First. That his Excellency the Governor and the several members of the investigating commission are entitled to the thanks of the people of this State for the distinguished ability with which they have performed their respective duties. Second. That the marked departure of the federal administration from the principles on which the government was founded, and the wide-spread corruption now known to exist amongst those by whom the administration is conducted, are just cause of apprehension and alarm; and that it is the duty of all patriotic citizens to combine for the purpose of rescuing the government from the hands of those by whom it has been betrayed, and of securing against the offenders the punishment due to their crimes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

After debate,

Mr. Woodin moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Cole	Harris	Jacobs	St. John	4
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**FOR THE NEGATIVE.**

Bradley	Hammond	Robertson	Tobey	
Carpenter	Kennaday	Rogers	Vedder	
Coleman	Lamont	Schoonmaker	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Gerard	Moore	Starbuck		19

Mr. Woodin moved that when the Senate adjourn to-day, it adjourn until Monday evening next, at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that hereafter the morning sessions of the Senate commence at half-past ten o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, the Senate adjourned.

## MONDAY, APRIL 3, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, March 31st, was read and approved.

Mr. Harris presented a remonstrance of Thomas Fuller and others, architects, against the proposed change of plan for completing the new Capitol building ; which was read and referred to the committee of the whole.

Mr. Harris moved that said remonstrance be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(*See Doc. No. 68.*)

Mr. Selkreg presented a petition of citizens and tax-payers of Ithaca, for an equitable system of assessment ; which was read and referred to the committee on finance.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *March 31, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend chapter 835 of the Laws of 1867, entitled 'An act to incorporate the Catskill Agricultural and Horticultural Association,' passed May 9, 1867."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Morse, and by unanimous consent, the same was amended as follows :

Section 1, lines 3, 4 and 5, after the word "entitled," in line 3, strike out all down to and including the word "entitled," in line 5.

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Booth	Emerson	Moore	Schoonmaker	
Carpenter	Gerard	Morrissey	Selkreg	
Cole	Harris	Rogers	Starbuck	
Coleman	Lamont	St. John	Vedder	
Doolittle	McCarthy	Sayre	Woodin	20

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Booth	Gerard	Moore	Schoonmaker	
Carpenter	Hammond	Morrissey	Selkreg	
Cole	Harris	Rogers	Starbuck	
Coleman	Lamont	St. John	Vedder	
Doolittle	McCarthy	Sayre	Woodin	
Emerson				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund for the year 1876, and to prescribe the manner in which the voters of said city shall signify their assent thereto," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause, and insert in lieu thereof the following :

"SECTION 1. The common council of the city of Oswego is hereby authorized and required to add to the general city assessment roll of the city of Oswego for the year 1876, and at no other time, a sum equal to three-quarters of a mill on each and every dollar of the assessed valuation of the real and personal property in the city of Oswego, for the year of 1876, and which sum shall be in addition to the amount now authorized by law for the contingent fund of said city, and shall be added to said fund, and the same shall be levied, assessed and collected in the same manner as are other expenses of said city, and disbursed and paid out in such sums and in such manner as the common council of said city shall direct; provided, however, that the powers, authority and

direction conferred by this section shall only be executed and exercised whenever a majority of the tax-payers of the city of Oswego, at an election to be held in said city, at such times and places as said common council may direct, present and voting at said election, shall signify their assent thereto; of which election the common council shall publish a notice. The ballots to be voted at such election shall be paper tickets on which shall be written or printed, "for additional tax," or "against additional tax," and at the close of the polls the inspectors shall canvass the votes so received, and shall make returns thereof to the city clerk, who shall present such returns at the first meeting of the common council, after the reception of such returns by him. The common council shall thereupon proceed to determine from such returns whether or not a majority of said votes have been cast "for additional tax," and such determination shall be signed by all the members present, and entered on the minutes. If by such determination it shall appear that a majority of such votes have been cast "for additional tax," then it shall be lawful for said common council of said city to anticipate such additional tax in such sum and at such time or times as said common council shall direct, and to execute such notes or obligations as it may direct; but not payable beyond the time or times when such additional tax shall be collected or realized.

§ 2. The said common council of the city of Oswego is hereby authorized and directed to publish notices in two daily papers published in the city of Oswego, for a period not less than ten days prior to said election, stating the purpose of said election, and the time and place of holding the same, and to appoint such inspectors of election and clerks as shall be necessary.

§ 3. In case the majority of the votes given at the election hereinbefore mentioned shall be "against additional tax," then this act shall thereupon become and be wholly void and of no effect.

§ 4. This act shall take effect immediately.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Gerard	Moore	Schoonmaker
Carpenter	Hammond	Morrissey	Selkreg
Cole	Harris	Rogers	Starbuck
Coleman	Lamont	St. John	Vedder
Doolittle	McCarthy	Sayre	Woodin
Emerson			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly sent for concurrence the bills entitled as follows:

"An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice, and civil proceedings,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend the charter of the Butchers' Hide and Melting Association of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend an act entitled 'An act to incorporate the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act in relation to certain highways in the city of Yonkers and town of East Chester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht, Flatbush and Gravesend, in Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the city of Buffalo to reimburse certain individuals for moneys expended by them for the erection of a building for Taylor Hose Company, in said city," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

"An act to authorize James C. McAndrew to take, hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 510 of the Laws of 1870, entitled 'An act to authorize the Rondout and Oswego Railroad Company to increase their rates of fare for the transportation of passengers,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to make the office of supervisor of the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' passed May 7, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the Laws of the State of New York, but doing business therein,' passed May 28, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend section 42 of chapter 20 of part 1 of the Revised Statutes, relating to the support and relief of indigent persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to amend the charter of the village of Akron, in the county of Erie,' passed April 10, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 2, chapter 192, of the Laws of 1872, entitled 'An act to amend an act entitled An act to authorize the village of Dunkirk to issue bonds, for the purpose of supplying said village with water, and to create a board of water commissioners,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to summary proceedings in the city of New York to recover the possession of lands for non-payment of rent, and for holding over after expiration of term," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to extend the boundaries of the village of Niagara Falls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the election of school commissioners in the city of Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the payment of the expenses of the board of health of the city of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to change the name of the Rochester and Pine Creek Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend chapter 574, Laws of 1871, as amended by chapter 738 of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to legalize the official acts of Glen Cuyler, as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to amend part 2, chapter 6, title 4, of the Revised Statutes, of the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of the testator or intestate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to confirm the official acts of Arthur J. Brown, as a notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled 'An act to amend an act entitled An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870,' passed April 27, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to amend certain acts in relation to common schools in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes, passed May 19, 1869,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Booth	Emerson	Moore	Schoonmaker
Carpenter	Gerard	Morrissey	Selkreg
Cole	Hammond	Rogers	Starbuck
Coleman	Harris	St. John	Vedder
Doolittle	McCarthy	Sayre	Woodin

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Gerard offered the following :

*Resolved*, That during the remainder of the present session of the Senate, on questions arising under the head of motions and resolutions, remarks of Senators shall be limited to a period of ten minutes respectively.



*Resolved*, That the above resolution have the force of a rule of the Senate.

Mr. Woodin moved that said resolutions be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris moved that the bill entitled "An act in relation to that portion of the Great Western Turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and west of the proposed new boulevard, intersecting the said road west of Allen street in said city, on the west," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Schoonmaker moved that the bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Auburn, passed April 22, 1869,' " be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Booth moved that the bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. St. John moved that the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,' " be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west."

"An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same."

"An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn,' passed April 22, 1869."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, with the title amended so as to read, "An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Morrissey moved that the bill entitled "An act in relation to the clerks, officers and attendants of the marine court of the city of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 871 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

"An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History, and the Metropolitan Museum of Art."

"An act in relation to the clerks, officers and attendants of the marine court of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the Canal Commissioners to construct a road-bridge over the Erie canal, in the village of Albion, in the county of Orleans."

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853 entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to provide for the construction and maintenance of four additional public baths in the city of New York."

*Resolved*, That the above resolution have the force of a rule of the Senate.

Mr. Woodin moved that said resolutions be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris moved that the bill entitled "An act in relation to that portion of the Great Western Turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and west of the proposed new boulevard, intersecting the said road west of Allen street in said city, on the west," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Schoonmaker moved that the bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Auburn, passed April 22, 1869,'"

be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Booth moved that the bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. St. John moved that the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,'"

be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west."

"An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same."

"An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn,' passed April 22, 1869."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, with the title amended so as to read, "An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Morrissey moved that the bill entitled "An act in relation to the clerks, officers and attendants of the marine court of the city of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 871 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

"An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History, and the Metropolitan Museum of Art."

"An act in relation to the clerks, officers and attendants of the marine court of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the Canal Commissioners to construct a road-bridge over the Erie canal, in the village of Albion, in the county of Orleans."

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853 entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to provide for the construction and maintenance of four additional public baths in the city of New York."

*Resolved*, That the above resolution have the force of a rule of the Senate.

Mr. Woodin moved that said resolutions be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris moved that the bill entitled "An act in relation to that portion of the Great Western Turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and west of the proposed new boulevard, intersecting the said road west of Allen street in said city, on the west," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Schoonmaker moved that the bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Auburn, passed April 22, 1869,' " be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Booth moved that the bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. St. John moved that the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs,' " be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west."

"An act to authorize the appointment of a librarian to take charge of the library of the third district, and to insure the same."

"An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn,' passed April 22, 1869."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, with the title amended so as to read, "An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Morrissey moved that the bill entitled "An act in relation to the clerks, officers and attendants of the marine court of the city of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 871 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

"An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History, and the Metropolitan Museum of Art."

"An act in relation to the clerks, officers and attendants of the marine court of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the Canal Commissioners to construct a road-bridge over the Erie canal, in the village of Albion, in the county of Orleans."

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853 entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to provide for the construction and maintenance of four additional public baths in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Gerard, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, requesting, for the purpose of amendment, the recall of Assembly bill No. 22, entitled "An act to amend section 44, article 4, title 6, chapter 5, part 1 of the Revised Statutes."

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle moved to reconsider the vote by which the report of the committee on printing, in favor of the Assembly resolution for printing "500 copies of the Report of the Superintendent of the Salt Springs," was agreed to, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes."

On motion of Mr. Woodin, the Senate adjourned.

## TUESDAY, APRIL 4, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Rogers presented a petition of William Wilkeson, relative to taxes levied upon Tonawanda Island, in Niagara river; which was read and referred to the committee on internal affairs.

Also, a petition of citizens of the State of New York, for an equitable system of taxation; which was read and referred to the committee on finance.

Mr. Loomis presented two petitions of citizens of the town of Unadilla, in favor of applying the surplus moneys of said town to the payment of taxes in said town; which were read and referred to the committee on internal affairs.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Doolittle asked and obtained leave to introduce a bill entitled "An act to amend and make additions to an act entitled 'An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Palatine Bridge,' passed March 21, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Rogers, the Senate took a recess until half-past seven o'clock P. M.

#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Moore offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 66, entitled "An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864,'" for amendment.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to nominations and appointments to fill certain offices in the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to certain offices in the city of New York, and nominations and appointments to fill the same," and said bill was committed to the committee of the whole.

Mr. Woodin moved that said bill be made a special order for Thursday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the canal commissioners to construct a road-bridge over the Erie canal, in the village of Albion, in the county of Orleans."

"An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn.'"

"An act in relation to that portion of the Great Western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west."

"An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art."

"An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof."

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the concurrent resolution requesting the recall from the Governor of Senate bill No. 66, amending the act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake, with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act authorizing and empowering the commissioner of public works of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Fitzhugh street, in the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act authorizing and empowering the commissioners of public works of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Young Men's

Association of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to enable the town of Little Valley, Cattaraugus county, to issue bonds, to pay the debts incurred under the provisions of chapter 590, Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in counties of Wayne and Cayuga,' passed June 7, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to provide for the incorporation of exchange or board of trade," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

Mr. Schoonmaker moved that the committee on internal affairs be discharged from the further consideration of the Assembly bill entitled "An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," and that the same be referred to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Assembly bill entitled as follows: "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Harris moved that said bill be made a special order for to-morrow morning, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Woodin, the Senate adjourned.

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### WEDNESDAY, APRIL 5, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

[SENATE JOURNAL.]

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the hour of 12 o'clock having arrived, the President resumed the chair, and announced executive session.

Mr. Jacobs moved that the executive session be postponed until a quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate, in committee of the whole, resumed the consideration of the special order.

After some time spent therein, the hour of quarter before 2 o'clock having arrived, the President resumed the chair, and announced executive session.

Mr. Prince moved that the executive session be postponed for ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again in committee of the whole, resumed the consideration of the special order.

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Harris moved that said bill be made a special order for this evening, at half-past seven o'clock, and that a session of the Senate be held at that time for the purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to permit the Comptroller of the city of Buffalo to publish his statement of unpaid taxes," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Hammond	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	Jacobs	St. John	Wellman
Coleman	Kennaday	Sayre	Woodin

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Jacobs offered the following :

*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution be amended so that it shall read as follows :

§ 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law ; and it shall be composed of the justices now in office, with two additional justices, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and six in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment to said section six be referred to the Legislature to be chosen at the next general election of Senators, and that, pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Jacobs moved that said resolution be referred to the committee on the judiciary, and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to authorize the boards of supervisors of the several counties of this State to work and otherwise improve public highways of not less than 210 feet in width, which have been opened by authority of the Legislature of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundary of said village,' passed March 30, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Baaden asked and obtained leave to introduce a bill entitled "An act to provide for the erection and completion of a new Jefferson market in the Fifth Senatorial District in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to certain streets in Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to provide for the appointment and removal of town overseers of the poor and to fix the manner of their compensation," which was read the first time, and by unanimous consent was

also read the second time, and referred to the committee on internal affairs.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 504, Laws of 1875, entitled 'An act to amend chapter 455, Laws of 1874, entitled An act to protect the fisheries of Cross lake, county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter 590, Laws of 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting the return to this House, for amendment, of Assembly bill No. 95, entitled "An act authorizing the sale of the State armory at Schenectady."

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation," with a message that they assent to a committee of conference thereon, and had appointed a committee on their part consisting of Messrs. Higgins, Hogeboom, Sloan, Halliday and Ballou.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to wills of personal estate."

"An act to amend chapter 158 of the Laws of 1875, entitled 'An act to amend chapter 386 of the Laws of 1872, entitled An act to regulate places of public amusement in the city of New York.'"

"An act to amend chapter 166 of the Laws of 1874, entitled 'An act to incorporate the Maritime Association of the Port of New York.'"

*Ordered*, that the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to facilitate the settlement of bills of exception in criminal actions."

"An act to prevent and punish wrongs to children."

"An act regulating the appointment of trustees of the State Homœopathic Asylum for the insane at Middletown."

"An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence

and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871."

"An act to release lands which have escheated to the State to Catharine Will, widow of Charles Will, late of the city of Albany, New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund for the year 1876, and to provide the manner in which the voters of said city shall signify their assent thereto."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,'" and that the same be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Cole, the Senate took a recess until half-past seven o'clock, P. M.

#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act incorporating the village of Sing Sing, in the county of Westchester,' passed April 9, 1853, and the act supplementary thereto and amendatory thereof, passed April 18, 1859, and the act supplementary thereto and amendatory thereof, passed March 3, 1866, and the act supplementary thereto and amendatory thereof, passed April 19, 1871, and the act supplementary thereto and amendatory thereof, passed April 14, 1873, and also the act supplementary thereto, and amendatory thereof, passed May 1, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 101, Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relative to annual expenditures and appropriations on account of the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the Brooklyn Young Men's Christian Association,' passed May 8, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize a tax of three-tenths of a mill per dollar of valuation to provide for deficiency in the sinking fund under section 8 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to repeal an act entitled 'An act in relation to the performance of labor upon the highways and bridges in the towns of Oyster Bay, Hempstead, and North Hempstead, in the county of Queens,' passed May 13, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,' passed May 5, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal part of chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April 20, 1871,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, 1876, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act for the relief of Cornelius Flynn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Patrick McCabe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of John Christman and Patrick Dunn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 786 of the Laws of 1867, entitled 'An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings,' which was read the first time, and by unani

mous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize and require Pardon Andrews, late collector of the town of Sardinia, in the county of Erie, to pay certain moneys heretofore collected in pursuance of chapter 419, Laws of 1874, to the supervisor of the said town of Sardinia, and to provide for the disbursement of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend the charter of the American Institute of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize the acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 838 of the Laws of 1866, entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 32, part 1, title 1, article 3, chapter 16 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Baptist church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to facilitate the assessment of lands of non-resident owners in the several towns of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to encourage improvement in steam canal propulsion in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.



"An act to authorize the treasurer of Monroe county to collect certain taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act in relation to the performance of labor upon the highways and bridges in the towns of Oyster Bay, Hempstead and North Hempstead, in the county of Queens,' passed May 13, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act relative to annual expenditures and appropriations on account of the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly sent for concurrence a resolution in the words following :

*Whereas*, A recent decision of the United States Supreme Court has pronounced unconstitutional the laws of this State requiring the payment of emigrant head-money, and the necessary result of this decision is to abolish the present State emigrant system, which is based on the payment of such head-money; and,

*Whereas*, It is of the utmost importance to provide for the immediate welfare and safety of the emigrants constantly arriving at the port of New York, as well as to protect the inhabitants of the city and State from the inconvenience and danger incident to such arrivals;

*Resolved* (if the Senate concur), That a joint committee of three from the Senate and five from the Assembly be appointed to devise means for the proper protection of arriving alien emigrants, and to give a hearing to the views of all persons interested in the subject.

*Ordered*, That said resolution be laid upon the table.

A message was received from His Excellency the Governor, in the words following :

#### STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, April 5, 1876. }

*To the Senate :*

In accordance with a concurrent resolution of the Senate and Assembly, I return herewith Senate bill No. 66, entitled "An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864.'"

SAMUEL J. TILDEN.

On motion of Mr. Schoonmaker said bill was laid upon the table.

The Assembly returned the bill entitled "An act to repeal chapter 369 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany,' and in relation to the town clerk of said town," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 2.

Change section 3 to section 2, and strike out the word "immediately" therein, and insert in lieu thereof the words "April 1, 1877."

Change the title so as to read as follows:

"An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany.'"

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Birby	Coleman	Jacobs	Rogers
Booth	Doolittle	McCarthy	Schoonmaker
Bradley	Emerson	Morrissey	Selkreg
Carpenter	Hammond	Prince	Wagner
Cole	Harris	Robertson	Woodin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence resolutions in the words following:

*Resolved* (if the Senate concur), That a special joint committee, consisting of three Senators, to be named as the Senate shall direct, and five members of the Assembly, to be named by the Speaker, be appointed to consider the subject of assessment and taxation in this State, to devise a system which shall remedy the existing evils, and equalize the burdens of taxation, with due regard to the agricultural, commercial and manufacturing interests in this State, and to report their recommendations on the subject to the next Legislature in the form of a bill, for its action.

*Resolved* (if the Senate concur), That every State officer, and every county, city, town or village officer shall, upon the requisition of the committee hereby authorized, furnish such committee access to all official books, records or papers that shall be in his possession or control, and copies of the same when so requested.

*Resolved* (if the Senate concur), That the committee hereby authorized shall have power to demand of the officers or agents of all corporations or joint-stock associations, organized under the laws of, or doing business in this State, such information as the committee may deem necessary, and that it shall be the duty of such officers and agents to furnish the required information in writing, and under oath, when so requested, the members of said committee, however, to serve without compensation.

*Ordered*, That said resolutions be laid upon the table.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to increase the jurisdiction of surrogates' courts, regulating the practice in surrogates' courts, and to provide for clerks of said courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to the United States Deposit Fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. St. John asked and obtained leave to introduce a bill entitled "An act to enlarge the powers of the board of super-

visors, and of committees thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby presented a petition of 250 bankers of the city of New York, praying for the passage of the act to facilitate the determination of claims against said city and county; which was read and referred to the committee on the affairs of cities.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to arrears of taxes in the city of New York," reported in favor of the passage of the same, with amendments (Mr. Woodin, dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers,' passed June 1, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes, in relation to laying out public roads and the alteration thereof,' passed May 28, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 231 of the Laws of 1867, entitled 'An act to amend the charter of the village of Johnstown,' and the several acts amendatory thereof, and to extend the bound-

ary of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 256 of Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 6, 1870," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Palatine Bridge,' passed March 21, 1867," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 107 of the Laws of 1867, entitled 'An act to incorporate the village of Palatine Bridge.'"

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker
Booth	Emerson	Morrissey	Selkreg
Bradley	Hammond	Robertson	Wagner
Cole	Harris	St. John	Wellman
Coleman	Jacobs	Sayre	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 2, chapter 192, of the Laws of 1872, entitled 'An act to amend an act entitled An act to authorize the village of Dunkirk to issue bonds, for the purpose of supplying said village with water, and to create a board of water commissioners,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 890, Laws of 1867, entitled 'An act to lay out Washington square at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor,' passed May 10, 1867, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to repeal chapter 158 of the Laws of 1874, entitled "An act to amend the charter of the village of Akron, in the county of Erie,' passed April 10, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

visors, and of committees thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bixby presented a petition of 250 bankers of the city of New York, praying for the passage of the act to facilitate the determination of claims against said city and county; which was read and referred to the committee on the affairs of cities.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to arrears of taxes in the city of New York," reported in favor of the passage of the same, with amendments (Mr. Woodin, dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers,' passed June 1, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes, in relation to laying out public roads and the alteration thereof,' passed May 28, 1875," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 281 of the Laws of 1867, entitled 'An act to amend the charter of the village of Johnstown,' and the several acts amendatory thereof, and to extend the bound-

ary of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 256 of Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 6, 1870," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Palatine Bridge,' passed March 21, 1867," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 107 of the Laws of 1867, entitled 'An act to incorporate the village of Palatine Bridge.'"

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	
Booth	Emerson	Morrissey	Selkreg	
Bradley	Hammond	Robertson	Wagner	
Cole	Harris	St. John	Wellman	
Coleman	Jacobs	Sayre	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 2, chapter 192, of the Laws of 1872, entitled 'An act to amend an act entitled An act to authorize the village of Dunkirk to issue bonds, for the purpose of supplying said village with water, and to create a board of water commissioners,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 890, Laws of 1867, entitled 'An act to lay out Washington square at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor,' passed May 10, 1867, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to repeal chapter 158 of the Laws of 1874, entitled "An act to amend the charter of the village of Akron, in the county of Erie,' passed April 10, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend the charter of the Young Men's Association of the city of Buffalo," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 47 of the Laws of 1837, entitled 'An act to incorporate the Young Men's Association of the city of Buffalo,'" and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act giving certain powers to the trustees of the De Witt Cemetery Association," reported in favor of the passage of the same, with amendments.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Schoonmaker
Booth	Emerson	Prince	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Harris	St. John	Wagner
Cole	Jacobs	Sayre	Woodin
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act securing to Baptist churches of the State of New York the benefits of incorporation, and amending chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act securing to Baptist Churches of the State of New York the benefits of incorporation, and repealing chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to permit the Comptroller of the city of Buffalo to publish his statement of unpaid taxes."

"An act to amend chapter 107 of the Laws of 1867, entitled 'An act to incorporate the village of Palatine Bridge.'"

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Harris moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

Pending which,

Mr. Starbuck moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

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## THURSDAY, APRIL 6, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Vedder presented two petitions of citizens of the State of New York, for an equitable system of assessment; which were read and referred to the committee on finance.

Mr. Wellman presented a petition of citizens of Oeslan, Livingston county, upon the same subject; which was read and referred to the committee on finance.

Mr. Bradley presented three petitions of citizens of Steuben county, upon the same subject; which were read and referred to the committee on finance.

Mr. Woodin presented two petitions of citizens of Wayne county, upon the same subject; which were read and referred to the committee on finance.

Mr. Robertson presented a petition of the president and secretary of the Friends Temperance Union, for legislation prohibiting the manufacture of alcoholic beverages; which was read and referred to the committee on internal affairs.

Mr. Starbuck presented a remonstrance of the bar of Jefferson county against the proposed reorganization of the judicial districts of the State; which was read and referred to the committee on the judiciary.

Mr. Loomis presented a remonstrance of citizens of Unadilla against applying the surplus moneys of the town towards payment of taxes of town; which was read and referred to the committee on internal affairs.

Mr. Harris moved to defer the consideration of the special orders, set down for this hour, until after disposing of the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill being under consideration,

The President announced the pending question to be the motion of Mr. Harris, that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question on granting leave to the committee of the whole to sit again, and it was decided in the affirmative.

Mr. Woodin moved that the Senate do now resolve itself into a committee of the whole, and proceed to the consideration of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate thereupon resolved itself into a committee of the whole, and proceeded to the consideration of the Assembly bill entitled as follows :

"An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Schoonmaker offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return to the Senate of Senate bill No. 38, entitled "An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder."

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Prince moved that the consideration of the special order, being the bill entitled "An act relating to municipal indebtedness, and to provide for the redemption of the same," and the concurrent resolution proposing an amendment to section 11 of article 8 of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages, be postponed until Tuesday evening next, April 11th.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the consideration of the special orders, being the bills entitled :

"An act in relation to certain officers in the city of New York, and nominations and appointments to fill the same."

"An act relating to the local government of the city of New York," be postponed until Tuesday next, April 11th, immediately after reading the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The President presented resolutions in regard to the constitutional amendment, relative to canals, and the deepening of the same, passed by the Chamber of Commerce of the State of New York; which were read and referred to the committee on canals.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relating to courts, officers of justice, and civil proceedings," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the official acts of Glen Cuyler as notary public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the conveyance of certain real estate formerly owned by 'The First Associate Presbyterian Congregation of the village of Williamsburgh,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice, and civil proceedings,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the Assembly bill entitled "An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings," and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the Assembly bill entitled "An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' passed May 7, 1872," and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend chapter 371 of the Laws of 1875, entitled, 'An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.'"

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for the completion of certain parts of the Rome Street Railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled 'An act for the incorporation of villages, passed April 20, 1870,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act incorporating the village of Sing Sing, in the county of Westchester,' passed April 9, 1853, and the act supplementary thereto and amendatory thereof, passed April 18, 1859, and the act supplementary thereto and amendatory thereof, passed March 3, 1866, and the act supplementary thereto and amendatory thereof, passed April 19, 1871, and the act supplementary thereto and amendatory thereof, passed April 16, 1873, and also the act supplementary thereto and amendatory thereof, passed May 1, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to provide for the incorporation of exchanges or boards of trade," reported in favor of the passage of the same; and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was recommended the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act relating to certain exemptions and privileges of the Industrial Exhibition Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to provide for submitting certain amendments to the Constitution to the electors of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sayre moved to take from the table the motion to reconsider the vote by which the bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Rogers
Booth	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Sayre
Carpenter	Hammond	Morrissey	Selkreg
Cole	Harris	Prince	Vedder
Coleman	Kennaday	Robertson	

23

## FOR THE NEGATIVE.

Schoonmaker	Starbuck		2
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Tobey
Bradley	Hammond	Prince	Vedder
Carpenter	Kennaday	St. John	Wellman
Cole	Lamont	Sayre	Woodin
Coleman			

21

## FOR THE NEGATIVE.

Schoonmaker	Starbuck		2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Jacobs	Morrissey	Selkreg
Bradley	Kennaday	Prince	Vedder
Carpenter	Lamont	Robertson	Wellman
Cole	Loomis	St. John	Woodin
Coleman			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History, and the Metropolitan Museum of Art," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Sayre

Booth	Gerard	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Rogers	Vedder
Coleman	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the canal commissioners to construct a road-bridge over the Erie canal, in the village of Albion, in the county of Orleans," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Schoonmaker
Booth	Harris	Morrissey	Selkreg
Cole	Jacobs	Robertson	Starbuck
Coleman	Kennaday	Rogers	Vedder
Doolittle	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to personal property of fire companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Rogers
Bixby	Emerson	McCarthy	St. John
Booth	Gerard	Morrissey	Schoonmaker
Carpenter	Jacobs	Robertson	Vedder
Cole			

17

## FOR THE NEGATIVE.

Doolittle	Lamont	Prince	Starbuck
Hammond	Loomis	Selkreg	

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Booth	Harris	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck

Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	St. John
Bixby	Doolittle	Lamont	Schoonmaker
Booth	Gerard	Loomis	Selkreg
Bradley	Hammond	McCarthy	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Vedder

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Schoonmaker
Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	Morrissey	Starbuck
Bradley	Gerard	Prince	Tobey
Carpenter	Jacobs	Robertson	Vedder
Cole	Kennaday	Rogers	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Rogers	
Bixby	Gerard	Loomis	St. John	
Booth	Hammond	McCarthy	Schoonmaker	
Bradley	Harris	Morrissey	Selkreg	
Carpenter	Jacobs	Prince	Starbuck	
Cole	Kennaday	Robertson	Tohey	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Harris moved that the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Said bill having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Strike out in line 117, printed bill, the words "so far as population is concerned."

Also, strike out the word "ten," in line 118, and insert the words "twenty-five."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Sayre	
Bradley	Jacobs	Prince	Schoonmaker	
Carpenter	Kennaday	Robertson	Starbuck	
Coleman	Lamont	Rogers	Tohey	
Emerson	Loomis	St. John	Woodin	
Gerard				21

## FOR THE NEGATIVE.

Harris	McCarthy	Selkreg		3
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Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Rogers moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

After line 428, insert the words "For Edward Toole, for personal injuries received by him as a keeper in Auburn prison, from the criminal assault of convicts, while engaged in the discharge of his duties in quelling an outbreak in said prison, the sum of \$3,000."

Mr. Schoonmaker moved to amend the motion by adding the following:

"For the widow of Charles Ernest, late deputy sheriff of Greene county, who was killed while in the discharge of his duty in Catskill jail, by Joseph Waltz, a convict in said jail, the sum of \$3,000."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Loomis	St. John	Schoonmaker
Bixby	Rogers	Sayre	Tobey
Lamont			

## FOR THE NEGATIVE.

Booth	Gerard	McCarthy	Starbuck
Bradley	Hammond	Prince	Vedder
Cole	Harris	Robertson	Wellman
Coleman	Jacobs	Selkreg	Woodin
Doolittle	Kennaday		

18

The President then put the question whether the Senate would agree to said motion of Mr. Rogers, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Kennaday	Morrissey	Sayre
Bixby	Lamont	Robertson	Tobey
Booth	Loomis	Rogers	Vedder
Gerard	McCarthy	St. John	Woodin

16

## FOR THE NEGATIVE.

Bradley	Emerson	Jacobs	Selkreg
Cole	Hammond	Prince	Starbuck
Coleman	Harris	Schoonmaker	Wellman
Doolittle			

18

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Jacobs moved to recommit said bill to the committee on finance, with instructions to report the same to the Senate this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Jacobs, the Senate took a recess until half past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend chapter 72 of the Laws of 1876, entitled 'An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose Carriage House in said city,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Assembly returned the resolution requesting the return from the Governor of Senate bill No. 38, entitled "An act to amend chapter 644



of the Laws of 1873, in relation to the crime of murder," with a message that they have concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor:

The Assembly returned the bill entitled as follows:

"An act to repeal chapter 869 of the Laws of 1867, entitled 'An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the Assembly bill, entitled "An act giving certain powers to the trustees of the De Witt Cemetery Association," with a message that they have concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported the same according to instructions.

Mr. Starbuck moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Line 681, printed bill, strike out the word "forty," and insert the word "twenty."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Bradley	St. John	Sayre	Starbuck
Hammond			

5

**FOR THE NEGATIVE.**

Carpenter	Jacobs	Prince	Selkreg
Cole	Loomis	Robertson	Vedder
Doolittle	McCarthy	Rogers	Woodin
Harris	Moore		

14

Mr. Bradley moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Page 15, line 439, after the word "dollars," insert the words "and for completing the north wing of the Reformatory, \$200,000, or so much thereof as shall be necessary."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Bradley	Hammond	Schoonmaker	Starbuck
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4

**FOR THE NEGATIVE.**

Booth	Emerson	Moore	St. John
Carpenter	Harris	Morrissey	Sayre
Cole	Kennaday	Prince	Selkreg
Coleman	Loomis	Robertson	Vedder
Doolittle	McCarthy	Rogers	Wellman

20

Mr. Bradley moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Page 15, line 439, after the word "dollars," insert the words "and for proceeding with the work of completion of the north wing of the Reformatory, \$100,000, or so much thereof as may be necessary."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Hammond	Morrissey	Starbuck
Carpenter	Jacobs	St. John	Wellman
Emerson	Kennaday	Sayre	Woodin
Gerard	Lamont	Schoonmaker	

15

## FOR THE NEGATIVE.

Booth	Harris	Moore	Rogers
Cole	Loomis	Prince	Selkreg
Coleman	McCarthy	Robertson	Vedder
Doolittle			

13

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Mr. Starbuck moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Line 118, printed bill, change "twenty thousand" to "thirty thousand."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	St. John
Coleman	Kennaday	Prince	Schoonmaker
Emerson	Lamont	Robertson	Starbuck
Gerard	Loomis	Rogers	Vedder
Hammond			

17

## FOR THE NEGATIVE.

Booth	Doolittle	Moore	Wellman
Carpenter	Harris	Sayre	Woodin
Cole	McCarthy	Selkreg	

11

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," reported the same amended according to instructions.

Mr. Harris moved that said bill be recommitted to the committee on finance, with instructions to amend as follows:

Line 718, printed bill, strike out the words "five hundred thousand," and insert "seven hundred and fifty thousand."

Also, insert "the general plans of the exterior of the new Capitol, according to which the building has thus far been constructed, having been adopted with the approval of the Commissioners of the Land Office and the Governor, in pursuance of law the same shall not be changed or modified, except upon like approval of the Governor and a majority of the Commissioners of the Land Office."

Mr. Starbuck called for a division of the question.

The President put the question, relative to striking out "\$500,000," and inserting "\$750,000," and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Coleman	Lamont	Robertson	Sayre
Harris	Loomis	Rogers	Wellman
Jacobs	Moore		

10

## FOR THE NEGATIVE.

Bixby	Doolittle	Morrissey	Selkreg
Booth	Emerson	Prince	Starbuck
Bradley	Gerard	St. John	Vedder
Carpenter	Hammond	Schoonmaker	Woodin
Cole	McCarthy		

18

The President then put the question upon inserting the amendment relative to the exterior of the new Capitol, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, reported back said bill with the amendment as instructed by the Senate.

Mr. Starbuck moved to recommit said bill to the committee on finance, with instructions to amend as follows :

Strike out all after the word "laws," in line 715, printed bill, down to and including the word "aforesaid" in line 754, and insert as follows :

The new Capitol Commissioners shall proceed, as soon as may be, to settle and determine the plan, in all respects, after which the new Capitol shall be completed, including the steps and approaches, and also the roof and tower or towers, if any, and they shall cause to be made full and perfect drawings, showing what the building is to be in all its exterior particulars, and the material of which each part thereof is to be constructed. They shall also determine, in all respects, what shall be the internal structure and finish of the said new Capitol, and cause detailed specifications and working drawings to be made, showing, in detail, how every part of such interior structure is to be made, and of what material and finish, and they shall, on or before the first day of October, 1876, put such plans, drawings and specifications on file in the office of the Secretary of State, together with their certificate, to the effect that the plan of construction of the new Capitol is definitely fixed, as shown by the said drawings. The said Commissioners shall thereupon advertise for sixty days, in at least two newspapers printed in each of the cities of Albany and New York, to the effect that such plans, specifications and drawings are on file in the office of the Secretary of State for examination, and that they will receive proposals at a place to be therein named, for furnishing the material and doing the work for the completion of the said Capitol, according to the said plans and specifications, and that such proposals may be for the whole or for any part of the said work and materials, and that such proposals must be accompanied by the names of the persons offered as security for performance; and that said commissioners, in such notice advertising for proposals, shall prescribe such conditions and provisions as in their judgment may be necessary to protect the interests of the State. The said Commissioners shall report to the Legislature at the commencement of the next session thereof, the proposals received by them, and the aggregate sum that will be required according thereto to complete the said new Capitol. Out of the sum of \$183,890.05 (being the unappropriated remainder of the tax levied for the new Capitol fund, for the fiscal year commencing October, 1875), the sum of \$60,000, or so much thereof as

may be necessary, is hereby appropriated to carry into effect the foregoing provisions, and to protect and properly care for the said new Capitol until the next session of the Legislature."

Mr. Bradley moved to amend by adding as follows:

"And the services and compensation of the building superintendent and architect shall cease from and after the passage of this act."

The President put the question whether the Senate would agree to the amendment of Mr. Bradley, and it was decided in the negative.

Mr. Jacobs moved to amend so as to make the \$500,000 appropriation, and to provide that the Commissioners shall report to the next Legislature a plan for completing the whole work by contract, with estimate of cost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	St. John
Booth	Jacobs	Morrissey	Sayre
Carpenter	Kennaday	Prince	Tobey
Coleman	Loomis	Robertson	Vedder
Gerard	McCarthy	Rogers	Wellman
			20

#### FOR THE NEGATIVE.

Bradley	Emerson	Schoonmaker	Starbuck
Doolittle	Hammond	Selkreg	Woodin
			8

The President then put the question on recommitting said bill to the committee on finance, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the completion of the court-house in the third judicial district of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend an act entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the Laws of the State of New York, but doing business therein,' passed May 28, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 463 of Laws of 1853, for the incorporation of life and health insurance companies, and in relation to agencies of such companies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the Laws of the State of New York, but doing business therein,' passed May 28, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to provide for the election of school commissioners in the city of Binghamton," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the bill entitled "An act further to amend chapter 187 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to incorporate the Bethlehem Mutual Insurance Association," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Emerson, from the committee on public health, to which was referred the Assembly bill entitled "An act to provide for the payment of the expenses of the board of health of the city of Poughkeepsie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act extending the powers of the trustees of the village of Canandaigua," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Jacobs, the Senate adjourned.

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## FRIDAY, APRIL 7, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of Elijah Clark, a justice of the peace in the town of De Witt, in the county of Onondaga, and to enable him to take and file his oath of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to establish the Buffalo justices' court," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of, the county of Rensselaer,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Samuel Thomas as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the supervisor of the town of Oyster Bay, county of Queens, and State of New York, to convey the right, title and interest of said town to a piece of land near Brookville, in said town, which has been used and occupied as the site of a school-house since 1827," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the obtaining of certain statistics relating to mortgages upon real property within this State," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of Judson W. Breed, alleging that Commodore P. Vedder held a certificate of election as Senator from the Thirty-second district of this State, at the last general election; that said Vedder, at the time of such election, was a civil officer under the government of the United States, and was therefore ineligible to the office of Senator; that the petitioner received the next highest number of votes for that office at that election, and praying that said Vedder be declared ineligible, and that petitioner be awarded the seat as Senator from said district, reported that the committee have had the same under consideration, and recommend the adoption of the following resolution:

*Resolved*, That Judson W. Breed is not entitled to a seat in this body as Senator from the Thirty-second Senate district of this State.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harris, from the committee on finance, to which was recommitted the Assembly bill entitled "An act making appropriations for certain expenses of government, and to supply deficiencies in former appropriations," reported said bill amended as instructed, in the words following:

Insert after the word "Capitol," in line 731, printed bill: "The Commissioners are hereby directed to report to the Legislature, at the opening of its next session, full detailed plans and specifications for the completion of the whole work by contract or contracts. They are also required to secure, by advertisement, estimates or bids for the construction of the work, and the furnishing the materials therefor, from responsible parties, which estimates or bids shall be accompanied by such sureties as the said commissioners shall deem to be necessary, in order to guaranty the faithful performance of any contract or contracts that may be made. All such estimates or bids shall also be embraced in the report to be made to the Legislature as above required."

Mr. Schoonmaker moved to recommit said bill to the committee on finance, with instructions to amend, by striking out, in the appropriation for the new Capitol, the words "five hundred thousand dollars," and inserting in lieu thereof the words "eight hundred thousand dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows (the President voting in the affirmative):

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Tobey	17
Coleman	Lamont	Rogers	Vedder	
Gerard	Loomis	St. John	Wagner	
Harris	Moore	Schoonmaker	Wellman	

## FOR THE NEGATIVE.

Baaden	Cole	Jacobs	Sayre	16
Booth	Doolittle	McCarthy	Selkreg	
Bradley	Emerson	Morrissey	Starbuck	
Carpenter	Hammond	Prince	Woodin	

Mr. Harris, from the committee on finance, to which was recommitted the said bill, reported the same amended as instructed by the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker	30
Bixby	Gerard	Morrissey	Starbuck	
Booth	Hammond	Prince	Tobey	
Bradley	Harris	Robertson	Vedder	
Carpenter	Kennaday	Rogers	Wagner	
Cole	Lamont	St. John	Wellman	
Coleman	Loomis	Sayre	Woodin	
Doolittle	McCarthy			

When the name of Mr. Jacobs was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

When the name of Mr. Selkreg was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany Railroad, into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871," reported in favor of the passage of the same, with the title amended so as to read, "An act to amend chapter 209 of the Laws of 1871, entitled 'An act to

authorize the extension of the Cherry Valley, Sharon and Albany Railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871," and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *April 6, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act authorizing the sale of the State armory at Schenectady."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. O'Neill, and by unanimous consent, the same was amended as follows :

Strike out section 2, and make section 3 section 2.

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Selkreg
Bixby	Doolittle	Morrissey	Starbuck
Booth	Harris	Robertson	Wagner
Bradley	Jacobs	Rogers	Wellman
Carpenter	Kennaday	Schoonmaker	Woodin
Cole	McCarthy		

22

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Schoonmaker
Bixby	Doolittle	McCarthy	Starbuck
Booth	Gerard	Moore	Wagner
Bradley	Harris	Robertson	Wellman
Carpenter	Jacobs	Rogers	Woodin
Cole			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wellman asked and obtained leave to introduce a bill entitled "An act to amend section 16 of an act entitled 'An act to provide for a commission to investigate the affairs of the State



prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

The Assembly bill entitled "An act to amend chapter 72 of the Laws of 1876, entitled 'An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose Carriage House in said city,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Schoonmaker
Carpenter	Hammond	Prince	Selkreg,
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Rogers	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Carpenter, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to provide for the payment of the expenses of the board of health of the city of Poughkeepsie," and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	Morrissey	Schoonmaker
Booth	Gerard	Prince	Vedder
Bradley	Hammond	Robertson	Wellman
Carpenter	Kennaday	Rogers	Woodin
Cole	Lamont		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Loomis offered the following :

*Resolved,* That when the Senate adjourn to-day, it be until Monday, April 10th, at 7.30 P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Carpenter	Gerard	Moore	Tobey
Cole	Kennaday	Morrissey	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	Sayre	

19

## FOR THE NEGATIVE.

Baaden	Jacobs	St. John	Wellman
Booth	Prince	Selkreg	Woodin
Hammond	Robertson	Starbuck	11

Mr. Selkreg moved that the Senate go into executive session at a quarter before 2 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 834 of the Laws of 1869, and also to amend chapter 455 of the Laws of 1870, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Selkreg
Booth	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	Woodin
Gerard			25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Moore, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to provide for the appointment of an additional number of notaries public," and that the same do now have its third reading.

Said bill having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on the judiciary, with instructions to amend the same by striking out so much of the provisions of the bill as provides for an additional number of notaries public for the city and county of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg
Bixby	Emerson	Moore	Starbuck
Booth	Jacobs	Morrissey	Vedder
Bradley	Kennaday	Robertson	Wagner
Carpenter	Lamont	Sayre	Wellman
Coleman	Loomis	Schoonmaker	28

## FOR THE NEGATIVE.

Gerard

Hammond

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Emerson moved that Assembly bill entitled "An act to establish a local court of civil jurisdiction in the city of Rochester, and to amend the charter of said city," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Carpenter moved that the bill entitled "An act to amend chapter 761 of the Laws of 1866, entitled 'An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks,'" be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

On motion of Mr. Morrissey, and by unanimous consent, the rules were suspended, and the bill entitled "An act relating to the sale of personal property upon execution and other process in the city and county of New York," was ordered considered in first committee of the whole.

Mr. Prince called from the table the Assembly concurrent resolution in the words following:

*Resolved* (if the Senate concur), That a special joint committee, consisting of three Senators, to be named as the Senate shall direct, and five members of the Assembly, to be named by the Speaker, be appointed to consider the subject of assessment and taxation in this State, to devise a system which shall remedy the existing evils, and equalize the burdens of taxation, with due regard to the agricultural, commercial and manufacturing interests in this State, and to report their recommendations on the subject to the next Legislature in the form of a bill, for its action.

*Resolved* (if the Senate concur), That every State officer, and every county, city, town or village officer shall, upon the requisition of the committee hereby authorized, furnish such committee access to all official books, records or papers that shall be in his possession or control, and copies of the same when so requested.

*Resolved* (if the Senate concur), That the committee hereby authorized shall have power to demand of the officers or agents of all corporations or joint stock associations, organized under the laws of, or doing business in this State, such information as the committee may deem necessary, and that it shall be the duty of such officers and agents to furnish the required information in writing, and under oath, when so requested; the members of said committee, however, to serve without compensation.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baaden

Kennaday

Prince

Robertson

4

## FOR THE NEGATIVE.

Booth

Doolittle

McCarthy

Tobey

Bradley

Gerard

Morrissey

Vedder

Carpenter	Hammond	St. John	Wagner	
Cole	Lamont	Schoonmaker	Wellman	
Coleman	Loomis	Starbuck	Woodin	20

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Doolittle offered the following :

*Resolved* (if the Assembly concur), That there be printed for the use of the Canal Commissioners, 2,000 copies of their annual report for the year ending September 30, 1875; 1,000 to be bound in cloth, and the remainder in paper; also, that 2,000 copies be printed for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

The President presented a Report of the state of the New York Hospital and Bloomingdale Asylum for the year 1875; which was laid upon the table, and ordered printed.

(See Doc. No. 87.)

Mr. Robertson presented a petition of John B. Simpson and others, residents of the city of New York, for the passage of the act to reduce the number of commissioners of the department of public parks from four to one commissioner; which was read and referred to the committee on the affairs of cities.

On motion of Mr. Vedder, the Senate then went into executive session, and after some time spent therein the doors were opened, and,

On motion of Mr. Rogers, the Senate adjourned.

## MONDAY, APRIL 10, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 7th, was read and approved.

Mr. Woodin presented four petitions of citizens of Wayne county, praying for an equitable system of assessment and taxation in this State; which were read and referred to the committee on finance.

Mr. Lamont presented a petition of citizens of Schoharie county, upon the same subject; which was read and referred to the committee on finance.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to renew the charter of the State road, from Orange turnpike to Nyack, in the county of Rockland, as passed April 20, 1830,' as renewed June 18, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to certain highways in the city of Yonkers, and town of East Chester, in the county

of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to regulate investments by fire insurance companies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Starbuck moved that said bill be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the city of Watertown to levy a tax, and to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

On motion of Mr. Starbuck, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Tobey
Coleman	Jacobs	Robertson	Vedder
Doolittle	Lamont	Sayre	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869; and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Coleman moved that the Assembly bill entitled "An act to reappropriate certain moneys in the Treasury heretofore appropriated for the improvement of the Champlain canal," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Booth moved that the bill entitled "An act to provide for the completion of the court-house in the third judicial district in the city of New York," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Binghamton to raise money, to be used for the purpose of paying the existing floating debt of said city, and repairing the Firemen's Hall building therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Rochester to buy a public park," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to secure navigation on the Black River canal and Erie canal feeder, and to fix the period thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relates to the village of New Rochelle, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to abolish the Cohoes city jail, and to establish a county jail within said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hammond called from the table the concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That the Secretary of State is hereby authorized and directed to cause all the general and special laws relating to the poor in this State at the close of the present session of the Legislature, to be compiled and published in pamphlet form, with such notes and explanations, forms and instructions adapted to the several systems of supporting the poor, as in his opinion may be necessary, and that he cause the same when published, to be distributed to superintendents and overseers of the poor, and keepers of poor-houses in this State; also to town and city clerks, county clerks, and clerks of boards of supervisors of this State, and five hundred copies to the State Board of Charities.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Booth	Emerson	Moore	Starbuck
Carpenter	Hammond	Morrissey	Tobey
Cole	Harris	Robertson	Vedder
Coleman	Jacobs	Sayre	Woodin
Doolittle	McCarthy		

18

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. McCarthy moved that the Assembly bill entitled "An act to authorize the Commissioners of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to the 'Cortland Soldiers' Monument Association,' for the purposes of the erection, maintenance and protection of a soldiers' monument," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Jacobs moved that the bill entitled "An act to enable the city of Brooklyn to construct a public building," be considered in first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Vedder moved that the bill entitled "An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 761 of the Laws of 1866, entitled 'An act authorizing the taxation of stockholders of banks and the surplus funds of savings banks,'"

"An act relating to the sale of personal property upon execution and other process in the city and county of New York."

Assembly, "An act to establish a local court of civil jurisdiction in the city of Rochester, and to amend the charter of said city."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the completion of the court-house in the third judicial district in the city of New York."

Assembly, "An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal."

"An act to regulate investments by fire insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported progress on the second and last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the commissioners of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to 'The Cortland Soldiers' Monumental Association,' for the purposes of the erection, maintenance and protection of a soldiers' monument."

"An act to enable the city of Brooklyn to construct a public building."

"An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to provide for the construction and maintenance of four additional public baths in the city of New York."

Assembly, "An act to provide for the payment of the expenses incurred in trials of convicts for crimes committed in the State prisons."

"An act to amend chapter 613 of the Laws of 1875, entitled "An act to authorize the formation of corporations for the safe-keeping and guarantying of personal property."

After some time spent therein, the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Jacobs, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Tobey, the Senate adjourned.



TUESDAY, APRIL 11, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The Assembly returned the Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriation," with a message that they non-concur in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Sloan, G. I. Post, Hayes, Faulkner and Sherman.

Mr. Harris moved that a like committee of conference on the part of the Senate be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Harris, Jacobs and Moore.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the supervisor of the town of Ellington, county of Chautauqua and State of New York, to convey certain lands in the village of Ellington, used for the last thirty years as a public park," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend subdivision 1 of section 9 of article 2 title 4, chapter 6, part 1 of the Revised Statutes, in relation to elections and ballots," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act for the relief of the surviving members of the first regiment of New York Volunteers, who served in the war with Mexico,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guarantying of personal property.'"

"An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county."

"An act to enable the city of Brooklyn to construct a public building."

"An act relating to the sale of personal property upon execution and other process in the city and county of New York."

"An act to provide for the completion of the court-house in the third judicial district in the city of New York."

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows :

"An act relating to the local government of the city of New York."

"An act in relation to certain offices in the city of New York and nominations and appointments to fill the same.

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that said bill, as amended in committee of the whole, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lamont, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Jacobs	Lamont	Starbuck
Gerard	Kennaday	Schoonmaker	Vedder
Hammond			

9

#### FOR THE NEGATIVE.

Bixby	McCarthy	Prince	Sayre
Cole	Moore	Robertson	Selkreg
Doolittle	Morrissey	Rogers	Woodin

12

Mr. Jacobs moved that said bill be referred to the committee on the judiciary, with instructions to examine as to any constitutional objections thereto, or questions of law involved therein, and to report their conclusions and the reasons therefor.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Gerard	Jacobs	Lamont	Starbuck
Hammond	Kennaday	Schoonmaker	Vedder
Harris			

9

## FOR THE NEGATIVE.

Baaden	McCarthy	Prince	Sayre
Bixby	Moore	Robertson	Selkreg
Cole	Morrissey	Rogers	Woodin
Doolittle			

13

Mr. Woodin moved that the further consideration of said bill be made a special order for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Prince moved that the consideration of the special order for this evening, being the concurrent resolution proposing an amendment to the Constitution, prohibiting the loan or use of public money for private purposes, and the bill entitled "An act relating to municipal indebtedness, and to provide for the redemption of the same," be deferred until Thursday evening, April 14.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The President presented the following :

3 WEST 21ST STREET, NEW YORK, 10th April, 1876.

*To the Legislature :*

I have received the joint certificate of the Senate and Assembly that I was duly elected, on the 29th of March last, a Regent of the University; and I hereby tender to both Houses my thanks for the honor they have been pleased to confer on me.

I am, very respectfully,

JOHN A. DIX.

Mr. Robertson called from the table the Assembly concurrent resolution in the words following :

*Whereas*, A recent decision of the United States Supreme Court has pronounced unconstitutional the laws of this State requiring the payment of emigrant head-money, and the necessary result of this decision is to abolish the present State emigrant system, which is based on the payment of such head-money; and,

*Whereas*, It is of the utmost importance to provide for the immediate welfare and safety of the emigrants constantly arriving at the port of New York, as well as to protect the inhabitants of the city and State from the inconvenience and danger incident to such arrivals;

*Resolved* (if the Senate concur), That a joint committee of three from the Senate and five from the Assembly be appointed to devise means for the proper protection of arriving alien emigrants, and to give a hearing to the views of all persons interested in the subject.

The President put the question whether the Senate would concur in said resolution, and it was decided in the affirmative.

The President announced as such committee, Messrs. Robertson, Booth and Starbuck.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Vedder, the Senate took a recess until half past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to extend to savings banks located in and organized under the laws of other States certain rights and powers now possessed by the savings banks of this State," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act extending to corporations located in and organized under the laws of other States certain rights and powers now possessed by similar corporations of this State," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing the adjudication and settlement of certain claims arising out of the defalcation of the late treasurer of Monroe county with this State and the said county," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act authorizing the commissioners of the canal fund to hear and determine the claims of the State against the county of Monroe, arising out of the defalcation of the late treasurer of said county," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of G. W. Kirk and others, praying for compensation of property taken by virtue of the annexation act, report that the committee have had the same under consideration, and have concluded to report by bill entitled "An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester, which, prior to January 1, 1874, was part of joint Union School District No. 2, of the town of West Farms, for school property taken by the city of New York," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Binghamton to raise money, to be used for the purpose of paying the existing floating debt of said city, and repairing Firemen's Hall building therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act regulating the sale of intoxicating liquors, passed April 11, 1870, and the act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857,' passed May 21, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act relative to lands held in trust by Charles H. Holden, for the benefit of Harriet Perry and certain of her descendants," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act in relation to certain offices in the city of New York, and nominations and appointments to fill the same."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

### WEDNESDAY, APRIL 12, 1876.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. James.

The Journal of yesterday was read and approved.

Mr. Bixby presented a petition for the passage of an act to prevent the amalgamation of life insurance companies; which was read and referred to the committee on insurance.

Mr. Robertson presented a petition of citizens of Westchester county, for an equitable system of assessment and taxation; which was read and referred to the committee on finance.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the treasurer of Monroe county to collect certain taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company," reported in favor

of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Ulster," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to facilitate the assessment of lands of non-resident owners in the several towns of this State," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the dissolution of manufacturing companies, and to secure the payment of their debts without preference," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend part 2, chapter 6, title 4 of the Revised Statutes, of the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of the testator or intestate," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to protect town, county or municipal corporations from payment of spurious, fraudulent or illegal bonds, or the coupons attached to the same," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to certain offices in the city of New York, and nominations and appointments to fill the same."

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Brooklyn Young Men's Christian Association,' passed May 8, 1869," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 787 of the Laws of 1869, entitled 'An act to incorporate the Brooklyn Young Men's Christian Association,'" and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and the

several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 18 of title 1, chapter 1 of part 4 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend section 184 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Coleman asked and obtained leave to introduce a bill entitled "An act to amend chapter 702 of the Laws of 1871, entitled 'An act relative to contracts for advertisements in newspapers published on Sunday,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to prohibit the deposit of sand, mud or similar materials in certain waters of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Bixby asked and obtained leave to introduce a bill entitled "An act to incorporate the St. Raymond's Cemetery of Westchester, in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to provide for the election of a comptroller in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator."

"An act in relation to the powers and duties of the board of commissioners of the department of public parks, in connection with the American Museum of Natural History and the Metropolitan Museum of Art."

"An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of one hundred thousand dollars, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central railroad."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 398 of the Laws of 1866, entitled 'An act to facilitate the construction of the New York and Oswego Midland

railroad, and to authorize towns to subscribe to the capital stock thereof.”

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the concurrent resolution providing for a joint committee of the Senate and Assembly to devise means for the proper protection of arriving emigrants, with a message that they had appointed as such committee on their part Messrs. Ogden, Muller, Peabody, A. J. Campbell and O'Hare.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, asking for the return of Assembly bill No. 72, entitled “An act making appropriations for the support of government,” for amendment.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to establish a local court of civil jurisdiction in the city of Rochester, and to amend the charter of said city,” having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Strike out the first section thereof, and insert in lieu thereof the following:

§ 1. “A court of civil jurisdiction, to be called and known as ‘The Municipal Court of the city of Rochester,’ is hereby created and established in and for said city, with the jurisdiction and powers hereinafter provided. Immediately upon the passage of this act, there shall be appointed by the Governor, by and with the advice and consent of the Senate, two judges of said court, whose duties shall be to organize and hold said court in said city, as hereinafter provided.”

Amend the title so as to read “An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city.”

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Gerard	Morrissey	Sayre
Booth	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Wagner
Cole	Lamont	Rogers	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.



The bill entitled "An act to provide for the completion of the court-house in the third judicial district in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Gerard	Moore	Selkreg
Booth	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Lamont	St. John	Woodin
Coleman			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Gerard	Moore	Selkreg
Booth	Hammond	Morrissey	Starbuck
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Lamont	St. John	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 613 of the Laws of 1875, entitled 'An act to authorize the formation of corporations for the safe-keeping and guarantying of personal property,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Sayre
Booth	Gerard	Morrissey	Selkreg
Cole	Jacobs	Prince	Vedder
Coleman	Lamont	Robertson	

19

## FOR THE NEGATIVE.

Starbuck

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the sale of personal property upon execution and other process in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Morrissey	Selkreg
Booth	Hammond	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Cole	Lamont	St. John	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Commissioner of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to 'The Cortland Soldiers' Monumental Association,' for the purposes of the erection, maintenance and protection of a soldiers' monument," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Emerson	Prince	Starbuck
Booth	Gerard	Robertson	Tobey
Bradley	Jacobs	St. John	Vedder
Cole	Lamont	Sayre	Wagner
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the me.

The Assembly bill entitled "An act to provide for the construction and maintenance of four additional public baths in the city of New York," having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend by striking out the sum "sixty thousand dollars," and inserting the sum of "forty thousand dollars." Also, amend the title by striking out the word "four," and inserting the word "three."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg
Bixby	Hammond	Moore	Starbuck
Booth	Harris	Robertson	Vedder

Cole  
Doolittle  
Emerson

Jacobs  
Lamont

St. John  
Sayre

Wagner  
Woodin

21

## FOR THE NEGATIVE.

Prince

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to certain offices in the city of New York, and nominations and appointments to fill the same," having been announced for a third reading,

Mr. Starbuck moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

Strike out the first section, and insert the following in lieu thereof :

"SECTION 1. A comptroller for the city of New York shall be elected at the general election to be held in said city on the — day of November, 1876, who shall enter upon the duties of his office on the 1st of January, 1877, and shall hold his office for the period of three years, and until his successor shall duly qualify."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley  
Coleman  
Gerard

Hammond  
Harris

Jacobs  
Lamont

St. John  
Starbuck

9

## FOR THE NEGATIVE.

Baaden  
Bixby  
Booth  
Carpenter  
Cole

Doolittle  
Emerson  
McCarthy  
Moore  
Morrissey

Prince  
Robertson  
Rogers  
Sayre  
Selkreg

Tobey  
Vedder  
Wagner  
Woodin

19

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth  
Carpenter  
Cole  
Coleman

Doolittle  
Emerson  
McCarthy  
Moore  
Morrissey

Prince  
Robertson  
Rogers  
St. John  
Sayre

Selkreg  
Tobey  
Vedder  
Wagner  
Woodin

21

## FOR THE NEGATIVE.

Bradley  
Gerard

Hammond  
Harris

Jacobs  
Lamont

Starbuck

7

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act in relation to the performance of labor upon the highways and

bridges in the towns of Oyster Bay, Hempstead and North Hempstead, in the county of Queens,' passed May 13, 1873," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on erection and division of towns and counties, to which was referred the bill entitled "An act to annex the towns of Afton and Bainbridge, in the county of Chenango, to the county of Broome, and to exempt said towns from certain taxes in the county of Broome," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Selkreg called from the table the Assembly concurrent resolution in the words following:

*Resolved* (if the Senate concur), That the Secretary of State and Comptroller be requested to invite the contractor for "legislative printing," Jerome B. Parmenter, either to cancel the existing contract or enter into a supplemental one, which shall explain the ambiguities in reference to extra printing, and for composition, engraving, &c., when extras are ordered either for or not for the Legislature, and reconcile the apparent contradictory terms in the present contract, and to state anew what was intended in the paragraph in reference to using fine paper, in regard to binding.

Mr. Selkreg moved to amend said resolution as follows:

Strike out all after the word "concur," and insert as follows:

*Resolved* (if the Assembly concur), That it is the sense of the Legislature that the Parmenter contract, so known, for Legislative printing, should be at once abrogated and annulled, and the Secretary of State and Comptroller are requested to make a demand upon said Parmenter for such abrogation.

Mr. Bradley moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Booth	Hammond	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Cole	Jacobs	Robertson	Wagner
Doolittle	Lamont	St. John	Woodin
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	McCarthy	Sayre
Bixby	Gerard	Moore	Selkreg
Booth	Hammond	Morrissey	Starbuck
Bradley	Harris	Robertson	Wagner
Cole	Jacobs	Rogers	Woodin
Coleman	Lamont	St. John	

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bixby offered the following :

*Whereas*, The practice of amalgamating life insurance companies has been productive of great hardship, loss and injustice to the holders of policies in the amalgamated companies, in as much as they are not allowed any voice in the arbitrary proceeding, and are placed entirely at the mercy of the officers, who sell them out for venal purposes; and,

*Whereas*, The said practice is corrupting and disgracing the business of life insurance, bringing honorable life insurance companies into distrust, and thus depriving many families of the needful protection of life insurance, be it

*Resolved*, That the insurance committee of the Senate is hereby authorized, empowered and required to investigate, and at the next session of the Legislature to report upon the practice of amalgamations in life insurance companies, and the alleged evils thereof, as set forth in the petition of Wm. H. Burbank, S. M. Lederer, John Roebuck, Abraham Wechsler and others, and said committee is requested to suggest the enactment of such laws as they may deem best calculated to protect the people against the abuses of life insurance amalgamations; and that the said committee be and is hereby authorized to send for persons and papers, and have leave to sit during the recess.

Mr. Jacobs moved that said resolution be referred to the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to secure justice and fair dealing between the local government of the city of New York, its officers and agents, and those who may furnish services, labor or material for the same."

After some time spent therein the President resumed the chair, and Mr. Emerson, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

A message was received from his Excellency the Governor, in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 12, 1876. }

*To the Legislature :*

I transmit herewith a communication from the commissioners of emigration, to which I earnestly invoke your immediate and considerate attention.

You are doubtless aware that, on the 20th of March last, a decision was rendered by the Supreme Court of the United States, in the case of *Hendersons v. The Mayor, etc., of the City of New York and the Commissioners of Emigration*, declaring unconstitutional and void the law of this State, requiring a bond from the parties bringing emigrants into the port of New York to indemnify each city, county and town of this State against such emigrants being a charge on them during the period of five years from the date of their arrival, but allowing a commutation of the liability under such bond now fixed by law at the sum of one dollar and one-half for each emigrant.

The effect of this decision is totally and instantly to destroy the whole income of the commission by means of which their beneficent operations have been hitherto carried on. The system is completely arrested, and for some weeks the commissioners have had no revenue whatever, and the means within their control will be exhausted by the first day of May.

The system was put in operation on the 6th of May, 1847, under an act passed the day before, and has been continued under subsequent amendments until the present time.

In the report of the commissioners to the Legislature, submitted on the 31st of January last, they state their operations, during the period of their existence, as follows :

“It (the commission) has during this period supervised the landing of over 6,000,000 of emigrant passengers with their baggage. It has provided and cared for 1,717,838 of alien emigrants for a greater or less period during the first five years subsequent to their arrival. It has treated and cared for 547,209 in its various hospitals, etc. It has supplied 455,669 with temporary board, lodging or pecuniary assistance. It has provided 400,187 with employment through the labor bureau at Castle Garden. It has forwarded to inland destinations and returned to Europe, at their own request, 58,122. It has relieved and provided for 226,651, in various counties and institutions of the State. Under this head the sum of \$1,411,474 has been reimbursed by the commission to various counties and charitable institutions.”

The commissioners have also cared for, in its various asylums, and sent back at its own expense, to their native lands, many who have passed through this to other States, possessed of health and supplied with money, which they subsequently lost, and returned to this State to become a charge upon the commission.

It has cured many cases of sickness of emigrants destined to other States, and then dispatched them to their various destinations to enrich other communities with their money, capital and labor value unimpaired.

The arrivals in the port of New York probably constitute at least eighty per cent of the total addition to the population of the United States by immigration, including the influx through Canada.

The value of this accession to our population as a productive power is not to be measured by mere numbers. In an investigation which I had occasion to make some years ago, it was ascertained that, while the males between the ages of 15 and 40, in the resident population of the United States in 1860, was  $21\frac{1}{2}$  per cent of the whole number, the males between the same ages among the emigrants arriving during forty years was  $41\frac{1}{4}$  per cent of the whole number. If the total influx during the twenty-nine years has been seven and a half millions, it has included the virile portion of a population of eighteen millions, that is persons of the ages which are nearly coincident with those usually accepted as embracing the period of military service, and are also those of the largest capacity for physical labor.

The chief sources of this emigration have been Germany and Ireland, forming about two-thirds of the whole influx. In the earlier portion of the period, the Irish emigration was much the largest; in the latter portion the German has been much the largest; in the whole period the German has been about 100,000 the larger.

In 1856 the commission kept an account of the average cash brought by the emigrants, and it amounted to \$68.08 per head, which is deemed a low estimate of the real amount.

This migration is the most remarkable which has happened in the history of the human race. It has enacted an immense part in the growth of our population, the creation of great cities, the settlement of new States, the formation of the business of our railroads, the extension of all commerce and all industries, as well as in all the great national events of which our country has been the theater.

The benefits of this vast migration have been diffused all over the northern portions of the Republic. Less than forty-five per cent of the emigrants remain within this State even for the first year from their arrival, and after that a much smaller proportion. But, of course, the tendency is for a large portion of those who become the objects of public charity to fall upon the city and State of New York. And the still more important function of protecting the emigrants from extortion, deception and the innumerable variety of wrongs to which they are inevitably exposed, can only be performed by a machinery such as has been furnished by the laws of this State, which must be local in its operations, and can be most wisely and beneficially supplied by local and State authorities.

In the practical conjunction which now exists, it seems to me necessary that the State should interfere, and advance the necessary funds to carry on the operations of the commissioners for a year to come, unless, in the mean time, relief can be obtained by congressional legislation. The value of the property which has been acquired by revenues derived from the commutation money is far in excess of the necessary advances, and the title to that property is in the State. On the other hand the faith of the State is fairly bound to continue its care of such emigrants as arrived previous to the abrogation of the system for five years after their arrival. The State holding the property of which it has the title, will acknowledge it as a trust, and may properly look to it for a reimbursement of such advances as are required by the present extraordinary emergency.

The decision of the Supreme Court of the United States may also

involve the necessity of new or supplementary legislation for the protection of emigrants on their arrival, to which branch of the subject of emigration I also invite your attention.

SAMUEL J. TILDEN.

Mr. Gerard moved that said message be printed and referred to the joint committee of the Senate and Assembly, heretofore appointed to consider the subject-matter of said message.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 69.)

On motion of Mr. Woodin, the Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.

Mr. Bradley moved that the select committee on apportionment be directed to report to the Senate on Tuesday next.

Mr. Doolittle moved that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Booth	Emerson	Prince	Selkreg
Cole	Harris	Robertson	Vedder
Coleman	McCarthy	Rogers	Woodin
			16

FOR THE NEGATIVE.

Bixby	Gerard	Jacobs	Morrissey
Bradley	Hammond	Lamont	Starbuck
			8

Mr. Woodin moved that the Senate do now take a recess until half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to certain streets in Long Island city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the creation of a board of charities, and for a better administration of the public charities, in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of



bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

"An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town, in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years 1869, 1870, 1871, and 1872, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 277 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautauqua lake from certain provisions of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal chapter 429 of the Laws of 1870, entitled 'An act to amend an act entitled An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester, passed April 16, 1860, and the acts amendatory thereof, passed March 26, 1861, and May 5, 1863, and April 17, 1868, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester,' and chapter 435 of the Laws of 1874, amending said chapter 429 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act to amend an act to provide for a supply of water in the village of Cohoes, passed April 12, 1856,' passed April 18, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend the charter of the village of Middletown," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to declare Swiss creek, in Lewis county, a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 382 of the Laws of 1875, entitled 'An act for the preservation of fish in Chautauqua lake,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1876, and to provide for deficiencies in former appropriation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to amend the charter of the village of Canajoharie,' passed April 21, 1841, and to repeal part of an act entitled 'An act to incorporate the village of Canajoharie,' passed April 30, 1829," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland, to change the place of holding their next annual town election," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 458 of the Laws of 1875, entitled 'An act to amend chapter 807 of the Laws of 1873, entitled An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election and compensation of coroners in the county of Rensselaer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 556 of the Laws of 1834, entitled 'An act to amend an act, entitled An act to provide for the instruction of common school teachers, passed June 17, 1853,' passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York," which was read the

bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

"An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town, in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years 1869, 1870, 1871, and 1872, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 277 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautauqua lake from certain provisions of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal chapter 429 of the Laws of 1870, entitled 'An act to amend an act entitled An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester, passed April 16, 1860, and the acts amendatory thereof, passed March 26, 1861, and May 5, 1863, and April 17, 1868, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester,' and chapter 435 of the Laws of 1874, amending said chapter 429 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act to amend an act to provide for a supply of water in the village of Cohoes, passed April 12, 1856,' passed April 18, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend the charter of the village of Middletown," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to declare Swiss creek, in Lewis county, a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 382 of the Laws of 1875, entitled 'An act for the preservation of fish in Chautauqua lake,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1876, and to provide for deficiencies in former appropriation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to amend the charter of the village of Canajoharie,' passed April 21, 1841, and to repeal part of an act entitled 'An act to incorporate the village of Canajoharie,' passed April 30, 1829," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland, to change the place of holding their next annual town election," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 458 of the Laws of 1875, entitled 'An act to amend chapter 807 of the Laws of 1873, entitled An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election and compensation of coroners in the county of Rensselaer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 556 of the Laws of 1804, entitled 'An act to amend an act entitled An act to provide for the instruction of common school teachers, passed June 17, 1852,' passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend section 15 of article 2, title 4 of chapter 2 of part 3 of the Revised Statutes, relating to justices' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 151 of the Laws of 1870, entitled 'An act to regulate proceedings against corporations by injunctions and otherwise,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal chapter 238 of the Laws of 1860, entitled 'An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes, passed April 13, 1855,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to amend chapter 240 of the Laws of 1847, entitled 'An act to amend the act entitled An act respecting elections other than for militia and town officers, passed April 5, 1842,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend sections 50 and 51 of article 5 of title 1 of chapter 15 of the first part of the Revised Statutes, in regard to trustees of incorporated colleges and academies," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, said bill was substituted for Senate bill No. 178, same title, G. O. 222, and committed to the committee of the whole.

"An act to amend an act entitled 'An act to amend chapter 813 of the Laws of 1873, entitled An act to amend an act passed May 3, 1870, entitled An act to incorporate the city of Troy, passed April 12, 1816, and the several acts amendatory thereof,' and also to amend other acts relating to the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend section 23, title 2 of the amended charter of the city of Brooklyn, passed June 28, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing John N. Merritt to establish a ferry across the Hudson river, from the village of Lewisburgh, in the county of Ulster, and the dock at the foot of Main street, in the city of Poughkeepsie," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to ratify and confirm the proceedings to incorporate the Oneida Gas Light Company of Oneida, Madison county, and to legalize and confirm its acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842,' and the several acts amendatory thereof, in so far as they relate to the city of Albany," which was read the first time, and by unanimous consent was also read the second time.

Mr. Harris moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to amend chapter 129 of the Laws of 1856, entitled 'An act in relation to school district No. 6, in the town of Lyons, Wayne county,' passed April 7, 1856, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 604 of the Laws of 1874, entitled 'An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relating to assessments for the construction of sewers and drains in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act further to amend chapter 745 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,' passed May 3, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 512 of the Laws of 1875, entitled 'An act to amend an act entitled An act to facilitate the forming of agricultural and horticultural societies, passed April 13, 1855,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to release the right, title and interest of the people of the State of New York, to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate situate in the city of Brooklyn, and also in the town of Flatbush, in the county of Kings, and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the incorporation of District Grand Lodge No. 1 of the Independent Order of Benai Berith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act in relation to repairs of certain streets in the city of Albany," which was read the first time, and by unanimous consent was also read the second time.

Mr. Harris moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to release the interest of the people of the State of New York in certain real estate to Frederick Zinsser," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the formation of road districts, in certain cases, within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvement of roads therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to prohibit the disposal of any part of the public lands on Lake George or the islands thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the village of Avon, passed April 22, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend section 29 of chapter 460 of the Laws of 1837, entitled 'An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts,' passed May 16, 1837, as amended by chapter 229 of the Laws of 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to declare Independence creek and its tributaries, in Lewis county, a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend chapter 335 of the Laws of 1869, entitled 'An act to provide a charter for the village of Oneida,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to regulate the practice of medicine and surgery in the State of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to confirm the action of the trustees of the Baptist Society of the town of Victory, county of Cayuga, in conveying burial grounds to the trustees of the Victory Union Cemetery Association," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Sayre
Booth	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder.
Doolittle	Moore	St. John	Woodin
Emerson			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health, and to prevent the spread of disease,' so far as relate to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties."

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn.'"

"An act to secure justice and fair dealing between the local government of the city of New York, its officers and agents, and those who may furnish services, labor, or material for the same."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. Jacobs moved to amend as follows: That the committee of the whole be discharged from the further consideration of said bill, and that the same be recommitted to the committee on commerce and navigation, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the motion of Mr. Prince, as amended, and it was decided in the affirmative.

Mr. Emerson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the bill entitled "An act to provide for the construction and maintenance of four additional public baths in the city of New York," with a message that they do non-concur in the amendments of the Senate thereto, request a committee of conference thereon, and had appointed as such committee on their part Messrs. Watts, Betts, Townsend, Carty and Galvin.



Mr. Booth moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Booth, Morrissey and Gerard.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate assent to a committee of conference thereon.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *April 10, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend section 44, article 4, title 6, chapter 5, part 1, of the Revised Statutes, relative to the removal of county officers."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Wheeler, and by unanimous consent, the same was amended by striking out all after the enacting clause and inserting the following :

SECTION 1. The Governor may remove any county treasurer, county superintendent of the poor or notary public, for misconduct or malversation in office, at any time within the term for which such officer shall have been appointed or elected, giving to him a copy of the charges against him, and an opportunity of being heard in his defense, before such removal shall be made, as in proceedings for a removal of a sheriff; and, in any such case, the Governor may direct testimony to be taken or an examination to be made, in the manner now prescribed by law in proceedings for the removal of a sheriff; and in any case in which the approval or assent of the Governor is or may be necessary as a condition of removal of any officer, the Governor may direct testimony to be taken or an examination to be made in the manner aforesaid.

§ 2. In any order directing the taking of testimony or an examination in a proceeding for the removal of any officer, the Governor may direct that the judge or commissioner, in reporting the evidence, shall also report the material facts which he deems to be established by the evidence, and in any case where, in his judgment, the public interest may require it, the Governor may direct a hearing on the evidence taken in any such examination before a judge of the Supreme Court, or a county judge, and a report by such judge of his conclusions on the questions of fact or law involved in the case, and may assign a judge for such hearing.

§ 3. This act shall take effect immediately.

Amend the title so as to read as follows :

"An act to provide for the removal of certain officers, and to amend the proceedings in relation thereto."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Cole	McCarthy	Sayre	
Bixby	Doolittle	Moore	Selkreg	
Booth	Gerard	Robertson	Starbuck	
Bradley	Jacobs	Rogers	Vedder	
Carpenter	Lamont	St. John	Woodin	20

Mr. Robertson moved that said bill be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to fix the time for filling in and improving the lands between high and low-water mark on the easterly shore of the Harlem river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to exempt the New York Academy of Medicine, the land whereon it is built, the library thereof, the scientific apparatus, implements and instruments, books and collections, thereunto belonging, or which may be given or donated to it voluntarily, from sale under execution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases.'"

Assembly, "An act to release to Bridget Porter, the right, title and interest of the people of the State of New York in and to certain real estate in the twenty-fourth ward of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Sayre, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to confirm the official acts of L. W. Emerson, as a notary public of Kings county."

"An act to provide for the maintenance, support and government of the poor in Queens county."

"An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the city of Buffalo to issue its certificates of indebtedness for the purpose of raising money to supply a deficiency in the poor department of the city."

"An act in relation to highway bridges over railroads."

"An act to authorize the payment of certain moneys out of the State treasury to the heir at law of James Green, deceased."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the court of special sessions of the peace in the city of New York."

"An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853, entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond moved that the bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," be considered in first committee of the whole on Thursday.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to provide for the creation of a board of charities, and for a better administration of the public charities in the county of Kings," and that the same be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole; and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek, from the north river to the East river through the Harlem kills, and ceding jurisdiction over the same."

"An act to amend chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense,' and entitled the military code."

"An act to authorize the town of Wilna, in the county of Jefferson, to reissue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Cole, from the same committee, reported in favor of the passage of the second and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Starbuck moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Starbuck raised the objection that no quorum of the Senate was present.

The President directed the Clerk to call the roll, when the following Senators answered to their names:

Bixby	Doolittle	Prince	Selkreg
Booth	Gerard	Robertson	Starbuck
Bradley	Kennaday	Rogers	Vedder
Cole	Morrissey	Sayre	

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No quorum being present,

Mr. Bradley moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Booth moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

THURSDAY, APRIL 13, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson presented resolutions of the Ship Owner's Association of the State of New York, relative to the administration of Dr. Vanderpoel, as health officer of the port of New York; which were read and referred to the committee on commerce and navigation.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health, and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties."

"An act to amend chapter 430 of Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases.'"

"An act in relation to the court of special sessions of the peace in the city of New York."

"An act to confirm the official acts of L. W. Emerson as a notary public of Kings county."

"An act to provide for the maintenance, support and government of the poor in Queens county."

"An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city."

"An act to authorize the payment of certain moneys out of the State Treasury to the heir at law of James Green, deceased."

"An act in relation to highway bridges over railroads."

"An act to amend chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense,' and entitled the Military Code."

"An act to authorize the town of Wilna, in the county of Jefferson, to reissue bonds, to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866."

"An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo.'"

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853, entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the operation and effect of

the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations, for manufacturing, mining, mechanical and chemical purposes,' " and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes, entitled 'Of crimes and their punishment,' " and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of said town of Orleans," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 42 of chapter 20 of part 1 of the Revised Statutes, relating to the relief and support of indigent persons," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to divide the county of Otsego into two jury districts, and to provide for holding courts in and for said county alternately in each of said districts," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act providing for the appointment of additional notaries public," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend sections 18 and 20, title 2 of chapter 6 of part 2 of the Revised Statutes, entitled 'Of granting letters testamentary,' " reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled

'An act to amend the charter of the village of Canajoharie,' passed April 21, 1841, and to repeal part of an act entitled 'An act to incorporate the village of Canajoharie,' passed April 30, 1829," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Kennaday, from the committee on railroads, to which was referred the bill entitled "An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Kennaday moved that said bill be considered in the first committee of the whole after Monday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 510 of the Laws of 1870, entitled 'An act to authorize the Rondout and Oswego Railroad Company to increase their rates of fare for the transportation of passengers,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to amend chapter 563 of the Laws of 1869, entitled 'An act to amend an act entitled An act to protect butter and cheese manufacturers, passed May 2, 1864,'" with a message that they had concurred in the passage of the same, with the following amendments (reference to engrossed bill) :

Section 1, line 5, strike out the word "second," after the word "May," and insert the word "fourth." Same section, line 6, after the word "sixty," strike out the word "four," and insert the word "nine."

Change the title so as to read "fourth," after the word "May," and "nine," after the word "sixty."

Mr. Loomis moved that the Senate non-concur in said amendments, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Loomis, Sayre and Wagner.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

"An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. McCarthy asked and obtained leave to introduce a bill entitled "An act to enable the city of Syracuse to raise money

by tax for the centennial celebration of the fourth of July, and for fixing the salary of the assistant overseer of the poor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to lottery schemes and tickets," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to suspend an act entitled 'An act to alter the map or plan of the city of New York, by laying out therein a public place for a parade ground, and to authorize the taking of the same,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the manual labor school upon the Tonawanda reservation,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

The Assembly bill entitled "An act to repeal an act entitled 'An act for the improvement of Myrtle avenue in the city of Brooklyn,' passed June 21, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Vedder
Bradley	Jacobs	Morrissey	Wagner
Carpenter	Kennaday	Robertson	Woodin
Coleman	Lamont	St. John	

23

#### FOR THE NEGATIVE.

Prince

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to enable the city of Brooklyn to construct a public building," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Rogers
Bixby	Hammond	McCarthy	St. John
Booth	Harris	Moore	Sayre
Bradley	Jacobs	Morrissey	Selkreg



Cole  
Doolittle  
Emerson

Kennaday  
Lamont

Prince  
Robertson

Starbuck  
Wagner

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Buffalo to issue its certificates of indebtedness, for the purpose of raising money to supply a deficiency in the poor department of the city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth  
Bradley  
Coleman  
Doolittle

Emerson  
Gerard  
Harris  
Jacobs  
Kennaday  
Lamont

Loomis  
McCarthy  
Moore  
Morrissey  
Robertson

Sayre  
Selkreg  
Vedder  
Wagner  
Woodin

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled. "An act to release to Bridget Porter the right, title and interest of the people of the State of New York, in and to certain real estate in the twenty-fourth ward of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth  
Bradley  
Carpenter  
Cole  
Doolittle

Emerson  
Gerard  
Hammond  
Harris  
Jacobs  
Kennaday

Lamont  
Loomis  
McCarthy  
Moore  
Morrissey  
Robertson

St. John  
Sayre  
Starbuck  
Vedder  
Wagner  
Woodin

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the payment of certain moneys out of the State treasury to the heir at law of James Green, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth

Doolittle  
Emerson  
Gerard

Loomis  
McCarthy  
Moore

St. John  
Sayre  
Starbuck

Bradley	Harris	Morrissey	Vedder	22
Carpenter	Kennaday	Robertson	Woodin	
Coleman	Lamont			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek, from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre	22
Bixby	Gerard	Moore	Selkreg	
Bradley	Harris	Morrissey	Starbuck	
Cole	Kennaday	Rogers	Wagner	
Coleman	Lamont	St. John	Woodin	
Doolittle	Loomis			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to the court of special sessions of the peace in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre	22
Bradley	Gerard	Moore	Selkreg	
Carpenter	Harris	Morrissey	Starbuck	
Cole	Kennaday	Robertson	Wagner	
Coleman	Lamont	St. John	Woodin	
Doolittle	Loomis			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the village of Middletown," having been announced for a third reading,

On motion of Mr. St. John, and by unanimous consent, the title of said bill was amended so as to read :

"An act to amend chapter 46 of the Laws of 1872, entitled 'An act to amend an act entitled An act to amend and consolidate the charter of the village of Middletown, passed March 31, 1866.'"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Bradley	Harris	Morrissey	Selkreg
Cole	Kennaday	Prince	Starbuck
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Rogers	Woodin
Emerson	McCarthy	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to authorize the town of Wilna, in the county of Jefferson, to reissue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black River Railroad Company, by virtue of chapter 624 of the Laws of 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Sayre
Bradley	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Wagner
Emerson	McCarthy	St. John	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to highway bridges over rail-roads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Sayre
Bradley	Kennaday	Morrissey	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Wagner
Gerard	McCarthy	St. John	Woodin
Hammond			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets, in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Sayre
Bradley	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Wagner
Emerson	McCarthy	St. John	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 74 of the Laws of 1866, entitled 'An act to create a metropolitan sanitary district and board of health therein, for the preservation of life and health, and to prevent the spread of disease,' so far as relates to Queens county, and to provide for the appointment of boards of health in the several towns of Newtown, Flushing and Jamaica, in said county, and defining their powers and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Hammond	Robertson	Starbuck
Booth	Harris	Rogers	Vedder
Bradley	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Woodin
Doolittle	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 519 of the Laws of 1870, entitled 'An act to revise the charter of the city of Buffalo,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Prince	Selkreg
Booth	Gerard	Robertson	Starbuck
Bradley	Lamont	Rogers	Wagner
Coleman	Loomis	St. John	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 223 of the Laws of 1875, entitled 'An act to amend chapter 80 of the Laws of 1870, entitled An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense,' and entitled the military code," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the Senators elected voting in favor thereof, three-fifths being present, and two-thirds of all the Senators present concurring therein, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	Moore	Sayre
Booth	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Vedder
Coleman	Lamont	Rogers	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the local government of the city of New York," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

Add, at the end of section 4, the following :

"When the ordinance or resolution relates to an expenditure for which no assessment can be imposed, such ordinance or resolution shall not be passed by the common council, unless the head of the department or chief officer having charge of the execution of the matter to which the same relates shall certify that the expenditure proposed is required to be made for the necessary purposes of the city, and why they are necessary."

Section 5, line 1, after the word "one," insert the word "calendar."

Section 6, line 9, after the word "courts," insert the words "not heretofore provided for."

Section 7, line 2, after the word "one," insert the word "calendar."

Line 9, after the word "one," insert the word "calendar." Line 13, strike out the word "herein," and, after the word "referred," insert the words "in this section."

Section 13, line 5, after the word "one," insert the word "calendar."

Line 8, after the word "one," insert the word "calendar."

Section 17, line 2, after the word "superintending," insert the word "or." Same line, strike out the words "or reporting upon." Line 6, after the word "superintend," insert the word "or." Same line, strike out the words "or report upon."

Section 22, line 1, strike out the word "such."

Section 24, strike out all the section, after the words "shall be," in line 6, down to and including the word "redeemed," in line 10, and insert in lieu thereof the words "applied as hereinafter provided."

Section 29, line 2, after the word "action," insert the word "or."

Section 30, line 5, strike out the words "more than," and after the word "dollars," insert the words "or more."

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

§ 2. Strike out the words "four-fifths" and insert "three-fourths."

Mr. Gerard moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows (reference to printed bill) :

§ 3. Strike out the words "four-fifths," and insert "three-fourths."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to reconsider the vote recommitting said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Booth	Doolittle	McCarthy	Selkreg
Bradley	Gerard	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Lamont	Rogers	Wagner
Coleman	Loomis	Sayre	Woodin

20

## FOR THE NEGATIVE.

Baden	Bixby	Emerson	St. John
-------	-------	---------	----------

4

Mr. Gerard then withdrew his motion to recommit.

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows (reference to printed bill) :

Add at end of section 7 the following : "Such bonds shall, as to one-half thereof, be issued in scrip or bonds of not less than \$100, and not more than \$200 each in amount. The comptroller is authorized to invite bids for the aforesaid scrip or bonds in amount of \$200 and upwards, and so as to encourage small investors. And he is further authorized to give preference to single bidders for one or two bonds or scrip between \$200 and \$500.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows (reference to printed bill) :

Section 17, line 4, after the word "skill," insert "holding the diploma as engineer of a reputable college or university, obtained after attending the regular prescribed term of study therein or."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Harris, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

Section 17, line 4, strike out the words "five years," and insert "three years."

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

Section 18, line 3, after the word "attendance," insert the words "unless absent from sickness or other sufficient cause, of which due notice shall be given to the head of the department in which he is employed."

On motion of Mr. Bixby, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

Add, at the end of section 7, the following :

"One-half, at least, of the bonds by this section authorized shall be issued by the comptroller, in sums varying from \$100 to \$500 each."

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows (reference to printed bill) :

Section 28, line 10, after the word "account," insert the following :

"In the matter of claims for salaries and wages, it will be a sufficient presentation of all such claims to the comptroller, the transmission to the department of finance of the pay-roll, stating the name of the officer or appointee, his residence, official designation, term of serving, the rate

of salary or wages, and the amount due, verified by the official signatures of the proper officer or officers whose duty it is to transmit such pay-roll; and if, for ten days after such presentation, the comptroller refuses or delays to pay such salaries or wages, the person entitled to receive the same can maintain an action for the recovery of the amount due."

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Section 28, line 11, after the word "comptroller," insert "with the assent of the board of estimate and apportionment."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Cole	Kennaday	Rogers	Vedder
Doolittle	Loomis	St. John	Wagner
Emerson	McCarthy	Sayre	Woodin
Gerard			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Harris moved to take from the table the Assembly bill entitled "An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Said bill being announced for a third reading,

On motion of Mr. Harris, and by unanimous consent, said bill was amended by striking out all of section 13 of said bill, and changing sections "14" and "15" to sections "13" and "14."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Booth	Hammond	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Woodin
Doolittle	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Harris moved to take from the table the Assembly bill entitled "An act in relation to repairs of certain streets in the city of Albany."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Booth	Harris	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Vedder
Cole	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Woodin
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853, entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Selkreg
Booth	Harris	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Vedder
Cole	Lamont	St. John	Wagner
Doolittle	Loomis	Sayre	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence a resolution in the words following :

*Resolved* (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board, to the reduction of canal tolls to the extent named in their schedule, transmitted to the Assembly of this State by the Auditor of the Canal Department on the 20th day of March last, and that the Legislature recommend and consent to a reduction of tolls on timber in the same ratio as lumber.

Mr. Cole moved that said resolution be referred to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg offered the following :

*Resolved*, That the Clerk continue the call of general orders from day to day, in their order on the calendar, until the calendar is exhausted.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.



Mr. Vedder, from the committee on internal affairs, to which was referred the petition of William Wilkeson, praying for relief from erroneous taxation upon property in Niagara river, known as Tonawanda Island, presented a report thereon, that "the relief sought by said Wilkeson is not attainable through action of the Legislature, but must be had from the board of supervisors of Erie county, by asking relief from erroneous assessment in the said county of Erie."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

(See Doc. No. 70.)

Mr. Cole moved to take from the table the resolution in the words following:

*Whereas*, The Governor, in his recent message on canal matters, recommended the initiation of a new scheme of enlarging the Erie canal, at the expense of the tax-payers of this State, viz, deepening the prism thereof to the depth of seven and one-half or eight feet, and an appropriation of \$400,000 to commence the work,

*Resolved*, That the Canal Commissioners be required to report to the Senate, at the earliest date practicable:

First. The condition of the Erie and other enlarged or partially enlarged canals during the past season, and the adaptation of the Erie, Oswego, Cayuga and Seneca canals to boats of 240 tons tonnage and six feet draught of water, and the capacity of our several canals to accommodate the business hitherto offering to them respectively.

Second. Whether, in their judgment, any effect which will materially enhance the value of the Erie canal, or sensibly cheapen transportation can be produced by the expenditure of the sum recommended.

Third. An approximate estimate of the cost of the proposed improvement applied to the entire length of the Erie canal, and the probable time which will be required for its completion.

Fourth. Whether such improvement can essentially benefit navigation while all the miter sills of the locks, all the aqueducts and all the culverts remain from six inches to one foot above the proposed canal bottom.

Fifth. An approximate estimate of the cost of this improvement, if it shall include the adaptation of all the locks, aqueducts and culverts to the increased depth of water proposed, and whether attaining the increased depth of water, on the plan recommended by his Excellency the Governor, is not a mistaken engineering expedient, if the cost of cutting down the prism or raising the banks be compared, and that said estimate embrace the probable land damages growing out of the proposed change in canal bottom.

Sixth. Whether the cutting down of the prism, as proposed, will not endanger the stability of existing walls, and what would be the effect of the proposed change on the present water supply.

Seventh. Whether the commissioners apprehend any difficulty in opening the canals at an early day, for the coming season, and maintaining navigation quite as good as last year with the means at their command from the ordinary repair fund, and whether they deem any further appropriation necessary to this object.

Eighth. Whether \$15,000, or any sum, in addition to the usual appropriation for the maintenance and management of the canals, is necessary in order "to determine the real condition of the canals," and whether the knowledge on this question proposed by the commissioners, super-

intendents and their subordinates, together with the present engineering force, is not entirely sufficient to impart any information required upon the subject.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole moved to amend said resolution so as to read as follows :

*Whereas*, The Governor, in his recent message on canal matters, recommended the initiation of a new scheme of enlarging the Erie canal, at the expense of the tax-payers of this State, viz., deepening the prism thereof to the depth of seven and one-half or eight feet, or raising the banks to attain the same object, and an appropriation of \$400,000 to commence the work; therefore,

*Resolved*, That the Canal Commissioners be required to report to the Senate, at the earliest date practicable :

First. The condition of the Erie and other enlarged or partially enlarged canals during the past season, and the adaptation of the Erie, Oswego, Cayuga and Seneca canals to boats of 240 tons tonnage and six feet draught of water, and the capacity of our several canals to accommodate the business hitherto offering to them respectively.

Second. Whether, in their judgment, any effect which will materially enhance the value of the Erie canal, or sensibly cheapen transportation, can be produced by the expenditure of the sums recommended.

Third. An approximate estimate of the cost of the proposed improvement applied to the entire length of the Erie canal, and the probable time which will be required for its completion.

Fourth. Whether such improvement, if the same shall be made, by depressing the bottom of the canal below the original grade lines for enlargement, without depressing the miter sills of the locks, the floors of the aqueducts, and the bed of the canal over the culverts, would essentially benefit navigation.

Fifth. An approximate estimate of the cost of this improvement, if it shall also include the adaptation of all the locks, aqueducts and culverts to the increased depth of water of seven and one-half or eight feet, and whether such improvement, if made, will improve the navigation or cheapen transportation, commensurate with the expense thereof. Also an approximate estimate of the cost of obtaining such increased depth of water by raising the surface six or twelve inches, including the cost of raising the banks, locks, aqueducts, waste weirs, feeders and bridges, including in both of the above estimates the damages to adjacent property, and a comparison of the relative cost of the two plans.

Sixth. Whether the cutting down of the prism will not endanger the stability of existing walls, and what would be the effect of the proposed change on the present water supply.

Seventh. Whether the commissioners apprehend any difficulty in opening the canals at an early day for the coming season, and maintaining navigation quite as good as last year with the means at their command from the ordinary repair fund, and such further appropriations as are usually made from the revenues of the canals, and whether they deem any extraordinary appropriation necessary to this object.

Eighth. Whether \$15,000, or any sum, in addition to the usual appropriation for the maintenance and management of the canals, is necessary in order "to determine the real condition of the canals," and whether the knowledge on this question possessed by the commissioners, superintendents and their subordinates, together with the present engineering force,

is not entirely sufficient to impart any information required upon the subject.

Mr. Bradley moved to amend by inserting the words "Canal Board" instead of "Canal Commissioners," wherever the latter occur in said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennaday		

10

FOR THE NEGATIVE.

Booth	Harris	Rogers	Vedder
Carpenter	McCarthy	Sayre	Wagner
Cole	Moore	Selkreg	Woodin
Doolittle	Robertson		

14

The President then put the question whether the Senate would agree to said amendment, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Booth	Hammond	Moore	Sayre
Bradley	Harris	Prince	Selkreg
Carpenter	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin
Gerard			

21

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city," reported in favor of the passage of the same.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Selkreg
Booth	Harris	Moore	Starbuck
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	St. John	Wagner
Cole	Loomis	Sayre	Woodin
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize plank-road and turnpike companies formed under and by virtue of 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence, and to repeal chapter 283 of the Laws of 1872."

"An act in relation to the inspection and running of steamboats on Chautauqua lake."

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that said bill be printed, pending its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Hammond, and by unanimous consent, said bill was ordered considered in first committee of the whole this evening.

On motion of Mr. Bradley, the Senate took a recess until half past seven o'clock P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act making appropriations for the payment of the principal and the interest of the canal debts for the fiscal year commencing on the first day of October, 1876, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to encourage improvement in steam canal propulsion in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize a tax of three-tenths of a mill per dollar of valuation, to provide for deficiency in the sinking fund under section 3, article 7 of the Constitution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the concurrent resolution and bill entitled as follows:

*Resolved* (if the Assembly concur), That section 11 of article 8 of the Constitution be amended so as to read as follows :

"SECTION 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose, or in any manner, to an amount which, including existing indebtedness, shall exceed five per cent of the assessed valuation of the real estate of such county or city, subject to taxation as it appeared by the assessment rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness, and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds five per cent of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit, except such indebtedness as may be provided for by the tax levy for the then current year ; and except that the Legislature, if it is deemed necessary for the interest of such city or county, may authorize it to contract further indebtedness to an amount not exceeding, for any one year, one dollar *per capita* of each of its population, as ascertained by the last State census, and for a period not exceeding five years in any case. No law shall hereafter be passed authorizing any indebtedness or the issuing of, any bonds or evidence of debt by any county or city unless such law shall provide that such indebtedness, bonds or evidence of debt shall be made payable in equal amounts in each year during a period not in any case to exceed twenty years from the contracting of such indebtedness, and such law shall provide that such city or county shall in each year levy and raise by taxation a sum sufficient to pay the interest on such debt, and the amount thereof coming due in each year, which said provisions, as to time of payment and the taxation therefor, shall be irrevocable. The money raised for the payment of such interest and principal shall be applied for that purpose and none other, until the whole of such indebtedness is paid."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

"An act relating to municipal indebtedness, and to provide for the redemption of the same."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the adoption of said concurrent resolution, with amendments.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

The President then put the question on the adoption of said resolution as amended in committee of the whole, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Booth	Hammond	Morrissey	Selkreg
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Vedder
Cole	Loomis	Rogers	Wagner
Emerson	McCarthy	St. John	Woodin
Gerard	Moore	Sayre	23

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Kennaday, from the same committee, reported progress on said bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act further to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer and fish,' passed April 26, 1871."

Assembly, "An act to amend sections 50 and 51 of article 5 of title 1 of chapter 15 of the first part of the Revised Statutes, in regard to trustees of incorporated colleges and academies."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869; and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871."

Assembly, "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof.'"

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Selkreg moved that said bill, with amendments thereto proposed in committee of the whole, be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to promote the efficiency of common schools by retiring teachers therein after thirty years service, upon a pension," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act authorizing John N. Merritt to establish a ferry across the Hudson river, from the village of Lewisburgh, in the county of Ulster, and the dock at the foot of Main street, in the city of Poughkeepsie," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have non-concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 761 of the Laws of 1866, entitled 'An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks.'"

"An act to amend chapter 195 of the Laws of 1848, entitled 'An act to provide for taking the acknowledgments of deeds and other written instruments by persons residing out of the State of New York.'"

"An act to release to John J. Cooke, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized."

After some time spent therein the President resumed the chair, and Mr. Sayre, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Woodin moved that the said bill, with the amendments thereto proposed in committee of the whole, be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to provide for the correction and equalization of taxes and assessments," which was read the first time, and by unanimous consent was also read the second time.

Mr. Woodin moved that said bill be committed to the committee of the whole and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to release the interest of the people of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins."

"An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the twenty-third section of article 1, title 4, chapter 2, part 4 of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties.'"

"An act relative to evidence."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to prevent frauds in the sale of state-rooms, berths and tickets, upon steamboats and steamships and other vessels."

Assembly, "An act to provide for the filling up of sunken lots in the city of Brooklyn."

"An act in relation to the commissioner of jurors in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Bixby moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Selkreg
Carpenter	Loomis	Robertson	Woodin
Doolittle	Moore	Sayre	11

#### FOR THE NEGATIVE.

Cole	Kennaday	Starbuck	Wagner
Gerard	Rogers	Vedder	7

Mr. Rogers moved that the Senate do now adjourn.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

## FRIDAY, APRIL 14, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the concurrent resolution and bills entitled as follows:

Concurrent resolution proposing an amendment to section 11 of article 8 of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.

"An act to release to John J. Cooke, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany, and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized."

"An act relative to evidence."

"An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the twenty-third section of article 1, title 4, chapter 2, part 4, of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties.'"

"An act authorizing the taxation of stockholders of life, fire and marine insurance companies."

"An act in relation to the inspection and running of steamboats on Chautauqua lake."

"An act in relation to the commissioner of jurors in the city and county of New York."

"An act relating to the local government of the city of New York."

"An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to amend chapter 195, Laws of 1848, entitled 'An act to provide for taking the acknowledgment of deeds and other written instruments by persons residing out of the State of New York.'"

"An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871."

"An act to authorize plank-road and turnpike companies formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence."

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to summary pro-

ceedings in the city of New York, to recover the possession of lands for non-payment of rent, and for holding over after expiration of term," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 240 of the Laws of 1847, entitled 'An act to amend the act entitled An act respecting elections other than for militia and town officers, passed April 5, 1842,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to ratify and confirm the proceedings to incorporate the Oneida Gas-light Company of Oneida, Madison county, and to legalize and confirm its acts," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 838 of the Laws of 1866, entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to establish a court of claims for the State of New York," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 368 of the Laws of 1864, entitled 'An act to provide for the election of a special county judge in and for the county of Monroe,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of Arthur J. Brown, as a notary public," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Coleman, from the committee on banks, to which was referred the bill entitled "An act to extend the time for the organization of the Mutual Trust Association of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act further to amend chapter 776 of the

Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to extend the boundaries of the village of Niagara Falls," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 335 of the Laws of 1869, entitled 'An act to provide a charter for the village of Oneida,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for a supply of water in the village of Cohoes, passed April 12, 1850,' passed April 18, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the bill entitled "An act to prohibit the deposit of sand, mud or similar materials in certain waters of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented a report of William M. Evarts, president of the commission appointed to devise a plan for the government of cities; which was laid upon the table and ordered printed.

(See Doc. No. 71.)

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland, to change the place of holding their next annual town election," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 382 of the Laws of 1875, entitled 'An act for the preservation of fish in Chautauqua lake,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the supervisor of the town of Ellington, county of Chautauqua, and State of New York, to convey certain lands in the village of Ellington, used for the last thirty years as a public park," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 277 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautauqua lake from certain provisions of said act,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,' passed May 5, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the appointment and removal of town overseers of the poor, and to fix the manner of their compensation," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows :

"An act for the relief of The Orphan Asylum Society of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm the official acts of L. W. Emerson as a notary public of Kings county," which was read the first time, and by unanimous consent was also read the second time.

Mr. Kennaday moved that said bill be substituted for Senate bill No. 168, same title, now in the order of third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Said bill was then ordered to a third reading.

"An act to amend the act entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof,' passed May 17, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm the official acts of William C. Williams, justice of sessions for the county of Yates, and to enable him to take and file his oath of office," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Bixby	Hammond	Moore	Sayre
Bradley	Harris	Morrissey	Selkreg
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	Rogers	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize and require Pardon Andrews, late collector of the town of Sardinia, in the county of Erie, to pay certain moneys heretofore collected in pursuance of chapter 419, Laws of 1874, to the supervisors of the said town of Sardinia, and to provide for the disbursement of the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to amend the Revised Statutes in relation to laying out of public roads and of the alteration thereof, in the town of Greenburgh, passed April 15, 1854, and in addition thereto,' passed March 29, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to prohibit catching, killing or taking any speckled trout, bass, partridge, woodcock or quail, and selling or exposing the same for sale in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to amend chapter 482 of the Laws of 1868, entitled 'An act authorizing any life insurance company or any trust or loan company to invest their funds in bonds issued by any county, town or village of this State, pursuant to any law of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Real Estate Exchange,' passed May 9, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The bill entitled "An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the twenty-third section of article 1, title 4, chapter 2, part 4 of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baden	Gerard	McCarthy	St. John
Bixby	Hammond	Moore	Sayre
Carpenter	Harris	Morrissey	Starbuck

Cole  
Coleman  
Doolittle

Jacobs  
Kennaday

Robertson  
Rogers

Tobey  
Vedder

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release to John J. Cooke, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized," having been announced for a third reading,

Mr. Vedder moved that said bill be recommitted to the committee on the judiciary, with instructions to amend as follows:

Section 1, line 8, printed bill, after the word "namely," strike out the words "three-fourths," and insert one-half." Line 9, after the word "Castle," insert "and one-quarter to Wm. F. Ward." Line 11, after the word "Castle," insert "and Wm. F. Ward." Line 11, after the word "dollar," insert "each."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Gerard	Morrissey	Vedder	3
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## FOR THE NEGATIVE.

Booth	Harris	McCarthy	Sayre
Bradley	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Robertson	Starbuck
Coleman	Lamont	Rogers	Wagner
Hammond	Loomis	St. John	Woodin

20

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Harris	Moore	Selkreg
Bradley	Jacobs	Morrissey	Starbuck
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	Rogers	Woodin
Coleman	Loomis	St. John	

23

## FOR THE NEGATIVE.

Gerard	Vedder	2
--------	--------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the taxation of stockholders of life, fire and marine insurance companies," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre	
Booth	Hammond	Moore	Selkreg	
Bradley	Jacobs	Morrissey	Starbuck	
Carpenter	Kennaday	Robertson	Tobey	
Cole	Lamont	Rogers	Vedder	
Coleman	Loomis	St. John	Woodin	24

## FOR THE NEGATIVE.

Harris

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre	
Bixby	Hammond	Moore	Selkreg	
Booth	Harris	Morrissey	Starbuck	
Bradley	Jacobs	Robertson	Tobey	
Carpenter	Kennaday	Rogers	Wagner	
Cole	Lamont	St. John	Woodin	
Coleman	Loomis			26

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. Moore offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor, requesting the return of Senate bill No. 65, entitled "An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871," for amendment.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered,* That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to evidence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	McCarthy	Starbuck
Booth	Gerard	Moore	Tobey
Bradley	Harris	Robertson	Vedder
Carpenter	Jacobs	Rogers	Wagner
Cole	Kennaday	St. John	

23

## FOR THE NEGATIVE.

Lamont

1

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847, to extend their charter or corporate existence," having been announced for a third reading,

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

After the word "by," in line 11, printed bill 257, insert as follows: "first obtaining the consent by resolution of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by."

Strike out all after the word "act," in line 4, said printed bill, down to and including the word "supervisors," in line 10, and insert as follows: "Any further abandonment of any part of any plank or turnpike road shall only be made by and with the consent of a majority of all the members of the board of supervisors of the county in which any such road, or any part thereof, is located, which consent shall be filed with the clerk of said county or counties,"

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended by adding the following section:

"§ 5. The provisions of this act shall not apply to the county of Kings."

Mr. Starbuck moved to recommit said bill to the committee on the affairs of cities, with instructions to amend by striking out the word "ten," in line 7, section 1, printed bill, and insert the word "four."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. St. John, and by unanimous consent, said bill was amended by excepting the county of Orange from the provisions of the bill.

On motion of Mr. Bradley, and by unanimous consent, said bill was amended by striking out the following words in section 3: "and no greater tolls shall be charged and received than shall be necessary to keep the same in repair, and pay to the stockholders thereof six per cent per annum, and provide sufficient sinking fund for repairing or rebuilding any bridges or other expensive structures belonging to the said road or turnpike company."

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Add as section —



"§ . The corporate existence of such plank-road company shall not be extended, except in accordance with this act."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince.	Selkreg
Carpenter	Lamont	Robertson	Tobey
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy	St. John	Wagner
Hammond	Moore	Sayre	Woodin
Harris	Morrissey		

22

FOR THE NEGATIVE.

Jacobs	Starbuck		
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2

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

By unanimous consent, Mr. McCarthy offered the following :

*Resolved*, That when the Senate adjourns to-day, they adjourn until Monday evening next, at half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bixby	Coleman	Moore	Tobey
Bradley	Doolittle	Morrissey	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	McCarthy	Sayre	

15

FOR THE NEGATIVE.

Gerard	Lamont	St. John	Starbuck
Harris	Robertson	Selkreg	Woodin
Jacobs			

9

The bill entitled "An act in relation to the inspection and running of steamboats on Chautauqua lake," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Moore	Sayre
Booth	Doolittle	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	Loomis	St. John	Woodin

16

FOR THE NEGATIVE.

Bixby	Hammond	Lamont	Prince
Bradley	Jacobs	McCarthy	Selkreg
Gerard	Kennaday	Morrissey	Starbuck

12

Mr. Vedder moved to reconsider the vote by which said bill was lost

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Rogers
Booth	Gerard	Loomis	Sayre
Bradley	Harris	Moore	Vedder
Carpenter	Jacobs	Morrissey	Wagner
Cole	Kennaday	Robertson	Woodin
Coleman			

21

## FOR THE NEGATIVE.

Hammond	Starbuck	2
---------	----------	---

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Booth	Doolittle	Moore	Vedder
Carpenter	Gerard	Robertson	Wagner
Cole	Harris	Rogers	Woodin

16

## FOR THE NEGATIVE.

Bixby	Jacobs	McCarthy	Selkreg
Bradley	Kennaday	Morrissey	Starbuck
Hammond	Lamont	Prince	

11

On motion of Mr. Jacobs, and by unanimous consent, rule 40 was suspended, in order to reconsider the vote by which said bill was lost.

Mr. Jacobs moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the concurrent resolution requesting the Governor to return to the Senate the Senate bill No. 65, amending the act providing for the promotion of public health, and reclaiming overflowed lands adjoining Black lake in the counties of St. Lawrence and Jefferson, with a message that they had concurred therein.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly bill entitled "An act to amend sections 50 and 51 of article 5 of title 1 of chapter 15 of the first part of the Revised Statutes in regard to trustees of incorporated colleges and academies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Rogers
Bradley	Harris	Moore	Sayre
Carpenter	Jacobs	Morrissey	Selkreg
Cole	Kennaday	Prince	Wagner
Doolittle	Loomis	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Hammond	Prince	Vedder
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	Rogers	Woodin
Coleman	Kennaday	Sayre	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Gerard	McCarthy	Selkreg
Booth	Hammond	Moore	Starbuck
Bradley	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Woodin
Coleman	Kennaday		22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, April 13, 1876.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act making appropriations for the support of government."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Sloan, and by unanimous consent, the same was amended as follows: Reference to engrossed bill, section 1, under head of miscellaneous (page 13), strike out all of paragraph two, from the word "so," down and including the word "same," on page 14.

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, Clerk.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in

the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Gerard	McCarthy	Selkreg
Booth	Hammond	Moore	Starbuck
Bradley	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Kennaday	Rogers	Woodin

24

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sayre
Bixby	Harris	Morrissey	Selkreg
Booth	Jacobs	Prince	Starbuck
Bradley	Kennaday	Robertson	Vedder
Coleman	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin
Gerard			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

A message was received from his Excellency the Governor, in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 14, 1876. }

*To the Senate:*

In accordance with a concurrent resolution of the Senate and Assembly, I have the honor to return herewith Senate bill No. 65, entitled "An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871."

SAMUEL J. TILDEN.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Booth	Harris	Robertson	Vedder
Bradley	Jacobs	Rogers	Wagner
Cole	Kennaday	St. John	Woodin
Coleman	Loomis	Sayre	

23

Mr. Moore moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bill entitled as follows:

"An act to provide for the payment by the city of New York of the salaries fixed by law of the arbitrator and clerk of the court of arbitration of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend chapter 195 of the Laws of 1848, entitled 'An act to provide for taking the acknowledgments of deeds and other written instruments by persons residing out of the State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sayre
Bixby	Harris	Morrissey	Selkreg
Booth	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to prevent frauds in the sale of state-rooms, berths and tickets upon steamboats and steamships and other vessels," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Selkreg
Bixby	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder
Coleman	Kennaday	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin
Gerard	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same with amendments.

The bill entitled "An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871," having been announced for a third reading,

Mr. Bixby moved that said bill be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Moore	Sayre
Bixby	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Doolittle	McCarthy		

22

**FOR THE NEGATIVE.**

Booth 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the re-organization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bradley	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Wagner
Doolittle	McCarthy	St. John	Woodin
Gerard	Moore	Sayre	

19

**FOR THE NEGATIVE.**

Bixby 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same.

"An act to require the filing of maps in the assessors' office in the city of Albany."

"An act to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county."

"An act to enable the city of Brooklyn to construct a public building,"

"An act in relation to evidence in criminal cases."

*Ordered*, that the Clerk return said bills to the Assembly.

The Assembly returned the following entitled Assembly bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend chapter 46 of the Laws of 1872, entitled 'An act to amend an act entitled An act to amend and consolidate the charter of the village of Middletown, passed March 31, 1866.'"

"An act to amend chapter 77 of the Laws of 1870, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

*Ordered,* That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to amend chapter 563 of the Laws of 1869, entitled 'An act to amend an act entitled An act to protect butter and cheese manufacturers, passed May 2, 1864,'" with a message that the Assembly assent to a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Davenport, Plumb, Gridley, M. N. Campbell and Voorhees.

The Assembly returned the bill entitled "An act to amend chapter 371 of the Laws of 1875, entitled 'An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs,'" with a message that they do non-concur in the passage of the same.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" and that the same be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Kennaday, the Senate adjourned.

## MONDAY, APRIL 17, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 14th, was read and approved.

Mr. Harris presented a communication from the board of trade of the lumber dealers of the city of Albany, relative to the toll sheet adopted by the canal board; which was read and referred to the committee on canals.

Also, a petition of John O. Gordon, president, and others, relative to teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Hammond presented a petition of citizens of Geneva, upon the same subject; which was read and referred to the committee on literature.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to water companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend chapter 117 of the Laws of 1853," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to amend section 31 of title 2 of article 3 of chap-

ter 31 of the second part of the Revised Statutes, relating to the equalization of assessments," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act to allow the redemption of certain lands sold for taxes in the city of Rochester, at seven per cent interest," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to allow the redemption of certain lands sold for taxes in the city of Rochester," and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act providing for the permanent maintenance of the Seamen's Fund and Retreat, and for the sale and conveyance of a part of the lands known as the Seamen's Retreat, in the county of Richmond, and for the disposition of the proceeds," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of the lands belonging to and occupied by the Seamen's Retreat, on Staten Island,'" and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to prohibit the disposal of any part of the public lands on Lake George or the islands thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to repeal chapter 429 of the Laws of 1870, entitled 'An act to amend an act entitled An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester, passed April 16, 1860, and the acts amendatory thereof, passed March 26, 1861, and May 5, 1863, and April 17, 1868, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester,' and chapter 435 of the Laws of 1874, amending said chapter 429 of the Laws of 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act passed May 2, 1834, incorporating the village of Camden, as amended by chapter 54 of the Laws of 1864,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to consolidate the corporations entitled 'The Proprietors of the Long Wharf at Sag Harbor' and 'The Sag Harbor Wharf Company,' and relating to the franchises and property thereof," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to repeal chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,' passed June 7, 1875,



so far as it relates to the county of Greene," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making the 3d and 5th days of July, in the year 1876, legal holidays," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the village of Springville,' passed April 11, 1834," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the Associate Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to further amend the act entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,' passed April 6, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park on the west side of East street in said village, or any part thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act relative to judgments entered upon forfeited recognizances in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 1 of chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of the town of Edmeston, in the county of Otsego,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act for the regulation of steam navigation on Chautauqua lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide a government for the New York State reformatory at Elmira, and to provide for the completion of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 348 of the Laws of 1860, as amended by chapter 600 of the Laws of 1874, entitled 'An act to amend an act entitled An act to convey to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, passed April 13, 1860,' passed June 4, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush,

passed March 22, 1854, and April 29, 1863,' passed April 25, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to confirm the official acts of the town officers in the several towns in the county of Yates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enable the records of the signal service department of the United States to be received and read in evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 325 of the Laws of 1874, entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act for the relief of Josiah Sullivan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the opening of Prospect avenue in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the public cemetery in the village of Port Byron, in the county of Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to regulate voting in the Western New York Agricultural Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Selkreg asked and obtained leave to introduce a bill entitled "An act to legalize the official acts of David H. Carver as notary public," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to incorporate the Inland Foresters' Protection Club," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to legalize the official acts of Archibald Hance as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to amend chapter 389 of the Laws of 1839, entitled 'An act to preserve the purity of elections,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.'"

"An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city."

"An act to extend the time for the commencement and completion of the Brooklyn Elevated Railway."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to confirm a deed from the trustees of the Lewis school fund, of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton."

"An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes."

"An act to amend section 4 of chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857.'"

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Booth moved that the bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," be made a special order for Wednesday next, in order of business of "Special Orders."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.'"

"An act in relation to the clerks, officers and attendants of the marine court of the city of New York."

"An act to extend the time for making assessments for taxes in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Buffalo Bar Association."

Assembly, "An act to confirm the official acts of the trustees of the village of Wellsburgh, in the county of Chemung, and to provide for the election of their successors."

"An act relating to the State Reformatory at Elmira."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bradley moved that the further consideration of said bill be made a special order for Wednesday next, during the order of business of "Special Orders."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of said town of Orleans."

Assembly, "An act to authorize the sale of a part of the 'poor-house farm,' so called, situate in the town of Oswego; also certain land in the city of Oswego, known as the public square block."

"An act to facilitate the removal of clouds and apparent liens upon the title to real estate."

After some time spent therein the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town for the purpose of building a town hall."

Assembly, "An act to repeal chapter 38 of the Laws of 1874, entitled 'An act for the disposition of excise moneys and fines for intoxication within the village of Monticello,' passed February 27, 1874."

Assembly, "An act to confirm and legalize the proceedings to incorporate the village of Port Dickinson."

After some time spent therein, the President resumed the chair, and Mr. Hammond, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872.'"

"An act to amend chapter 578 of the Laws of 1875, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872, passed February 28, 1873.'"

"An act to amend section 38 of title 1 of chapter 17, part 1 of the Revised Statutes, relative to auction sales in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Booth, the Senate adjourned.

## TUESDAY, APRIL 18, 1876.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Upson.

The journal of yesterday was read and approved.

Messrs. Hammond, Doolittle, Loomis, Tobey and Wagner presented petitions for teachers' classes in academies throughout the year; which were read and referred to the committee on literature.

Mr. Loomis presented a petition of citizens of Unadilla, in favor of applying surplus moneys of towns in payment of taxes; which was read and referred to the committee on internal affairs.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Code of Procedure," reported in favor of the passage of the same, with amendments, and

the title amended so as to read "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice pleadings and proceedings of the courts of this State,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 15 of article 2, title 4 of chapter 2 of part 3 of the Revised Statutes, relating to justices' courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was committed the Assembly bill recalled from the Governor, entitled "An act to provide for the removal of certain officers, and to amend proceedings in relation thereto," reported in favor of the passage of the same, as amended by the Assembly.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Birby	Emerson	Loomis	Robertson
Bradley	Gerard	McCarthy	Selkreg
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Vedder
Coleman	Kennaday	Prince	Woodin
Doolittle			

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate the Buffalo Bar Association."

"An act to amend section 38 of title 1 of chapter 17, part 1 of the Revised Statutes, relative to auction sales in the city of New York."

"An act to facilitate the removal of clouds and apparent liens upon the title to real estate."

"An act to amend chapter 578 of the Laws of 1875, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872, passed February 28, 1873.'"

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.'"

"An act to confirm a deed from the trustees of the Lewis school fund of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton."

"An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city."

"An act to extend the time for the commencement and completion of the Brooklyn elevated railway."

"An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes, relating to election districts."

"An act to amend section 4 of chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857.'"

"An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of said town of Orleans."

"An act in relation to the clerks, officers and attendants of the marine court of the city of New York."

"An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca.'"

"An act to extend the time for making assessments for taxes in the city and county of New York."

"An act to legalize the official acts of David H. Carver as notary public."

Mr. Harris presented the following report:

Your committee of conference, to which were referred the matters of difference between the two houses upon Assembly bill entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," beg leave respectfully to report:

That they met and have duly considered such matters, and have agreed to recommend that the Assembly do concur in the following amendments to the bill as proposed by the Senate, namely (reference in all cases being made to the engrossed bill):

Page 2. Lines 24 and 25, strike out the words "at the rate of three dollars per day of attendance at such session."

Same page, line 26, strike out the word "three" and insert the word "five."

Same page, line 32, after the word "board" insert the words "and to pay Charles H. Peck for field expenses as State botanist."

Same page, line 33, after the word "hundred" insert the words "and ninety-one."

Page 4. At the end of line 7, add the words "and the said museum shall hereafter be under the sole charge of said regents," and add the following new paragraph:

"For deficiency in the salary of James Hurst, taxidermist of the State Museum of Natural History, to the first day of October next, four hundred and sixty dollars, or so much thereof as the Comptroller shall find due to him, at the same rate at which he has been paid."

Line 11, strike out the word "three" and insert the word "five."

At end of line 32, insert new paragraph as follows:

"For the erection of a council house on the Tonawahda reservation, two hundred dollars."

Page 5. Line 2, after the word "committees" insert the following: "Services of counsel thereof, including services of counsel for joint legislative committee, and services of counsel employed by committees of the Senate, appointed May twenty-two, eighteen hundred and seventy-five, to investigate the departments and offices of the government of the city and county of New York."

Line 5, strike out the word "ten" and insert the word "thirty-five."

Line 35, change the word "thirty" to the word "thirtieth."

Page 6. Line 17, strike out the word "twenty" and insert the word "thirty."

Page 7. At the end of line 6, add the following paragraphs:

"For the office of the State Engineer and Surveyor, for salary of clerk to index and prepare for ready reference railroad maps, required by law to be placed on file in his office, and to assist in preparing the annual railroad report, one thousand two hundred dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six, of the Laws of eighteen hundred and fifty-five.

"For the office of the Secretary of State, for deficiency in the appropriation for clerk hire, one thousand dollars. The unexpended balance of eighty dollars, appropriated by chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, for the compensation of the commissioners to examine public accounts, is hereby reappropriated for the same purpose.

"For the legal representatives of J. M. Wetherbee, deceased, a Member of Assembly from the county of Orleans, who died during the session of the Legislature of eighteen hundred and seventy-five, the sum of seven hundred and sixty dollars, being the sum remaining unpaid of his annual salary as such member."

Line 10, after "Attorney-General," insert "or any of his predecessors and for counsel employed to assist the Attorney-General;" and strike out "by."

Line 11, strike out "six" and insert "ten"; strike out "two" and insert "five;" and strike out "and fifty."

Line 32, strike out "the execution of" and insert "respect to."

Page 8. After the word "necessary," in line 6, insert the following: "For the payment of the actual expenses of the commissioners appointed, pursuant to concurrent resolutions of the Legislature of eighteen hundred and seventy-five, to devise a plan for the government of cities, one thousand dollars; for the services of William E. Hodes, as messenger of the committee for the investigation of quarantine affairs in the city of New York, appointed by the Legislature of eighteen hundred and seventy-five, and for subpoenaing witnesses, and for his expenses from the ninth day of July to the twentieth day of December, eighteen hundred and seventy-five, the sum of four hundred dollars, or so much thereof as may be necessary, to be paid, if in the judgment of the Comptroller it is right and proper; and for the payment to the firemen and women employed at the capitol by the keeper thereof during the year eighteen hundred and seventy-four, of the balance due them for their services to be certified by such keeper, the sum of four thousand and eighty-two dollars.

"The persons employed as firemen, watchmen and cleaning women at the State hall shall receive such per diem compensation as is paid to persons employed in like capacity at the capitol."

Line 16, after "Comptroller" insert "and the Secretary of State is hereby directed to distribute the indices ordered in accordance with the terms of said resolution."

At the end of line 20 insert the following: "For the Clerk of the Assembly of eighteen hundred and seventy-five, for preparing two general indices of printed bills and papers on file in the Assembly, pursuant to resolution of the Assembly of eighteen hundred and seventy-five, the sum of four hundred dollars, to be audited by the Comptroller."



Line 21, strike out "janitors of the Assembly chamber and the."

Line 25, after "messengers," insert "and such other officers thereof as are."

Line 34, strike out "four," and insert "five," and strike out "seven hundred."

Page 9. After line 17, insert the following paragraphs:

"For Charles G. Lane, as messenger to the postmaster of the Assembly, for the first fourteen days of the session of eighteen hundred and seventy-three, forty-two dollars.

"For the stenographer of the Senate, for the payment of such assistance as he may employ from the first day of April to the close of this session in furnishing copies of debates, the sum of three hundred and seventy dollars, or so much thereof as may be necessary; and for reimbursing him for amounts actually paid out by him for assistance in writing out debates in the Senate of eighteen hundred and seventy-four, for the use of members thereof, three hundred and sixty dollars; this appropriation is in lieu of an appropriation made by chapter six hundred and thirty-four of the Laws of eighteen hundred and seventy-five, for the same purpose, but which has not been paid.

"For John H. Ferris, for services as assistant superintendent of documents of the Assembly, from the twelfth day of January to the fourth day of February, eighteen hundred and seventy-six, one hundred and thirty-eight dollars.

"For E. P. Fancher, for services as stenographer before the Senate canal committee, in relation to the extraordinary repair bill during the session of eighteen hundred and seventy-four and eighteen hundred and seventy-five, the sum of fifty dollars, to be audited by the Comptroller.

"For E. M. Plum, for services and expenses in producing before Senate committee on apportionment, census returns from files of New York county clerk's office, thirty-six dollars and seventy-five cents, or so much thereof as may be necessary.

"For the rent of rooms, gas, fuel and furniture for the committee on finance of the Senate, and for Assembly committees for the session of the Legislature of eighteen hundred and seventy-six, two thousand five hundred dollars, to be paid to the parties entitled to receive the same in such proportions as the chairman of the committee on finance and the Speaker of the Assembly shall certify to be just and proper.

"For the trustees of Washington's head-quarters, three hundred dollars in place of that amount appropriated by chapter three hundred and seventy-three of the Laws of eighteen hundred and seventy-five."

Page 10. Line 7, strike out "seven" and insert "five."

At end of line 25 insert the following: "And to pay the builder of the State armory at Syracuse for work thereon, done under the direction of the architect in charge, and certified to by the commissioners thereof, the sum of two thousand seven hundred and thirty-seven dollars."

After line 31 insert the following paragraphs:

"For completing the armory building in the city of Auburn, and for supplying the same with furniture and heating apparatus, the sum of five thousand dollars, to be expended by the present commissioners, having in charge the construction of said armory building.

"For Banks and brothers for furnishing a law library for two years for the use of the members of the Commission of Appeals, from January first, eighteen hundred and seventy-four to January first, eighteen hundred and seventy-six, the sum of fifteen hundred dollars; for amount

paid judge Earl, for insurance thereon, from eighteen hundred and seventy to eighteen hundred and seventy-four, both inclusive, the sum of one hundred and eighty-one dollars and seventy-five cents; for freight on library of judge Hunt, and expenses to Utica and back, the sum of twenty-nine dollars and ninety-seven cents; for freight from Kinderhook, paid on library of judge Reynolds, and expenses thereon, the sum of ten dollars and sixty cents; for freight on library of judge Earl, and the expenses to and from Herkimer, the sum of seventeen dollars and three cents; and for freight on library of judge Gray, and expenses to and from Elmira, the sum of thirty-seven dollars and sixty-one cents."

After the word "dollars," line 35, insert the following: "and for Henry H. Burhans, for salary as messenger of said commission for the same period, seventy-five dollars."

Page 11. After line 14, insert the following paragraphs:

"For the bank department, five thousand dollars, to pay the expenses of regular examinations of savings banks, the same to be refunded to the treasury by the savings banks, in pursuance of chapter three hundred and seventy-one of the Laws of eighteen hundred and seventy-five.

"For James W. Gerard, for legal expenses incurred by him in the matter of the contested election for senator for the seventh senatorial district of this State, the sum of five hundred and fifty dollars.

"For John C. Jacobs, for legal and other expenses incurred by him in the matter of the contested election for senator for the third senatorial district of this State, the sum of three thousand nine hundred and seventy-five dollars.

"For the purpose of establishing a law library, to be located at Delhi, Delaware county, for the use of the Supreme Court, the sum of two thousand dollars, to be expended in the purchase of books under the direction and supervision of the justice of the Supreme Court residing at that place. The warrant of the Comptroller shall not however be issued for the above mentioned sum, until an equal amount shall be raised either by private subscription, or by resolution of the board of supervisors of Delaware county for the same purpose. The certificate of said justice of the Supreme Court of the fact, shall be evidence to the Comptroller that the said sum has been raised."

Page 12. Line 2, strike out "including the library," and insert "five hundred dollars each, and for that;" strike out, in same line, "the sum of one" and insert "the further sum of two."

Line 3, strike out "each."

After line 8, insert the following:

"For the State Centennial Board appointed in pursuance of chapter five hundred and twenty-five of the Laws of eighteen hundred and seventy-five, the sum of eight thousand dollars, or so much thereof as may be necessary, to be expended by said board in providing for the exhibition of the products of the Dairymen's Association of this State, under the direction of the executive committee of said association at the National Centennial Exposition at Philadelphia, and for the expenses attending the same; but no part of said sum shall be paid for the personal expenses or services of said executive committee."

Line 9, strike out the word "continue" and insert the word "complete."

Lines 10 and 11, strike out the words "and to determine the county and town lines therein."

Lines 13 and 14, strike out the words "for deficiency in appropriation."

Line 14 strike out the word "twelve" and insert the word "ten."

Line 15, strike out the words "five hundred."

After line 24 insert the following paragraph:

"For the State Normal School at Geneseo, for work and materials to complete the new building, for furniture, steam heating apparatus, plumbing, gas-fitting, cisterns, water-pipes, grading grounds and alterations in the old building, ten thousand dollars."

Page 13. Amend the paragraph commencing on line 10, relating to the Willard Asylum for the Insane, so as to read as follows:

"For the Willard Asylum for the Insane, for the erection of a new barn and for removing and repairing the old barn, for enlarging laundry and boiler house, and for equipping laundry, for carpenter, paint, and work-shop and equipment, for equipping machine shop, for coal-house, hoisting apparatus, tramway and car, for roads, fences, grading, draining and stock on farm, for cement for grouting basement, for oak floor in kitchen, for kettles for making soap and for iron tank for soap, thirty thousand dollars; and for the erection of a new group of detached buildings, similar to those already erected, seventy thousand dollars; and the salary of the superintending builder of said asylum is hereby fixed at two thousand dollars."

After line 22, insert the following:

"For the support of Susan Green, an insane Indian woman, at the asylum, two hundred and fifty dollars; and for the support of Mark Jack, an insane Indian, at the asylum, two hundred and fifty dollars."

Page 14. Line 10, after "hospital," insert "for the insane."

Line 15, after "dollars," insert "for the salaries of officers in addition to the sum of eight thousand dollars already appropriated, fifteen hundred dollars; for payment of balance due to Collingwood, Millard & Co., on lumber purchased prior to June eighth, eighteen hundred and seventy-three; one thousand six hundred and twenty-seven dollars and seven cents."

Line 35, after "asylum," insert "for the insane."

Page 15. After "roof" insert "and roofing;" after the word "dollars," in line 3, insert the following: "and the managers of said asylum are hereby authorized to employ labor and purchase materials to an amount not exceeding one thousand dollars, in any case where the specific work or material cannot, in their judgment, be advantageously let or obtained by contract, as provided in chapter two hundred and sixty-four of the Laws of eighteen hundred and seventy-five."

Line 9, strike out the words "three thousand dollars."

Line 10, strike out the words "twelve thousand dollars."

Line 11, strike out the words "three thousand dollars."

Line 13, strike out the word "seven" and insert the word "twenty-five."

Line 36, strike out the word "and" first occurring.

Page 16. Line 1, after the word "dollars" insert the words "and for heating apparatus, thirty-five hundred dollars, or so much thereof as may be necessary."

Line 7, insert the following new paragraph:

"For Theodore J. Searles, for services in assisting the chaplain of and mail messenger of the State prison at Auburn, the sum of ninety dollars and ninety-two cents, or so much thereof as may be necessary."

Line 32, strike out the letter "R" and insert the letter "K."

Page 17. After the word "necessary," in line 12, insert the following: "and for construction account in eighteen hundred and seventy-four and

eighteen hundred and seventy-five on bills to be rendered to and approved by the Comptroller, two thousand seven hundred and three dollars and thirty-seven cents."

Strike out so much of the paragraph on lines 13 to 26 inclusive, as relates to the harbor commissioners of the port of New York, as follows:

"The harbor commissioners of the port of New York shall hereafter receive an annual salary for their services each of one thousand dollars, commencing on the first day of April, eighteen hundred and seventy-six, and the sum of two thousand five hundred dollars is hereby appropriated for the payment of such salaries for the present fiscal year, and the further sum of five thousand dollars for such salaries for the year ending September thirtieth, eighteen hundred and seventy-seven."

Strike out, on lines 27, 28, 29, 30 and 31, the words "for building a bridge over the Onondaga creek on the Onondaga Indian reservation, and its necessary culverts and sluices, and for grading and graveling the approaches thereto, at a point where a public road, commencing near the north-east corner of the reservation and running thence westerly near the north line thereof, crosses the creek," and insert in lieu thereof the following: "For building two small bridges over branches of the Onondaga creek, on the Onondaga Indian reservation, and their necessary culverts and sluices, and for grading and graveling the approaches thereto, and the road leading across the same on what is called the William Hill road."

Line 36, change "bridge" to "bridges," and insert after same the following words: "culverts, sluices, and such grading and graveling."

Page 18. After line 3 insert the following new paragraph:

"For assisting in building a bridge over the Allegany river, on the Allegany Indian reservation, in the village of West Salamanca, which was authorized by act number five, of the board of supervisors of the county of Cattaraugus, passed November twenty-sixth, eighteen hundred and seventy-five, the sum of three thousand dollars, to be expended under the supervision of Henry O. Wait, John Nelson, William P. Crawford, Hudson Ansley and John Hill, who are, by said act number five, appointed commissioners to let the contract for the construction of said bridge; but no part of the sum herein appropriated shall be paid over to said commissioners until they shall have executed a bond, to the people of this State, to be approved by the Comptroller, for the faithful execution of this trust; nor shall any part of said sum be expended except upon a plan and estimate of said work which shall be submitted to and approved by the Comptroller, who, before giving such approval, shall become satisfied that such bridge can be built for the sum appropriated for the same."

Page 18½. After line 5, insert the following paragraphs:

"For supplying the town of Newfield, in the county of Tompkins, with the Revised Statutes and other books, to replace those destroyed by fire, fifty dollars, or so much thereof as may be necessary:

"For Wheeler H. Bristol, late State Treasurer, to pay an award made pursuant to chapter two hundred and ninety-nine of the laws of eighteen hundred and seventy-five, by a board of audit therein appointed, the sum of nine thousand one hundred and fifty-nine dollars."

Page 23. Line 2, strike out the word "twenty" and insert the word "forty."

Lines 5, 6, 7, 8 and 9, strike out the words "but in no case at a rate of compensation exceeding the terms of the contract for printing legis-

lative proceedings, which was in force in eighteen hundred and seventy-four and eighteen hundred and seventy-five."

After line 12, insert new paragraph as follows:

"For erecting a suitable monument in the cemetery grounds of the Revolutionary Stone Fort, at Schoharie Court House, to commemorate the virtues and memory of David Williams, one of the captors of Major Andre, the sum of two thousand dollars, to be expended under the supervision of Daniel Knower, Ralph Brewster, supervisor of the town of Schoharie, and Charles Holmes, county judge of Schoharie county, who are hereby appointed a commission for that purpose, and who are hereby authorized to remove the remains of the said Daniel Williams from their present burial in the cemetery at Rensselaerville, to such cemetery at Schoharie Court House, upon first obtaining the consent thereto in writing of a majority of the descendants of said Williams, and upon furnishing proof thereof to the Comptroller; but in case such consent in writing for said removal shall not be obtained and proof thereof furnished to the Comptroller within two months from the passage of this act, then the above appropriation shall be expended by a commission consisting of the Comptroller of the State, Erastus D. Palmer and the President of the Rensselaerville Cemetery Association, for the erection of such monument in the Rensselaerville Cemetery."

Insert at top of page 24 the following new paragraphs:

"There shall be imposed, for the fiscal year commencing on the first day of October, eighteen hundred and seventy-six, in addition to any other tax levy, a tax of eight hundred thousand dollars on the real and personal property taxable in this State, to be assessed levied and collected upon and by the annual assessment and collection of taxes for the year eighteen hundred and seventy-six in the manner prescribed by law, to be paid by the county treasurers into the treasury of the State, to the credit of the fund for the construction of the new capitol, which sum is hereby appropriated, together with the sum of one hundred and eighty-three thousand eight hundred and ninety dollars and five cents (being the unappropriated remainder of the tax levied for the same object for the fiscal year commencing on the first day of October, eighteen hundred and seventy-five), to continue the work on the new capitol building, which shall be paid by the Treasurer upon the warrant of the Comptroller, to the new Capitol Commissioners as the same shall be from time to time required for materials and labor used or employed, or that may be used and employed in the building of said new capitol.

"The commissioners are hereby directed to report to the Legislature, at the opening of its next session, full detailed plans and specifications for the completion of the whole work by contract or contracts. They are also required to secure, by advertisement, estimates or bids for the construction of the work, the furnishing of the materials therefor, from responsible parties, which estimates or bids shall be accompanied by such securities as the said commissioners shall deem to be necessary, in order to guarantee the faithful performance of any contract, or contracts, that may be made. All such estimates or bids shall also be embraced in the report to be made to the Legislature as above required.

"Whenever there is a deficiency in the treasury of moneys applicable to the payment of the appropriation for the new capitol, the Comptroller is hereby authorized and required to borrow, from time to time, such sums as the said commissioners may require, and the money borrowed,

together with the interest thereon, shall be repaid from the moneys received from taxes levied to meet this appropriation.

"The new Capitol Commissioners shall cause the work on the new capitol building to be progressed with such diligence as shall insure its readiness for full occupancy by the first day of January, eighteen hundred and seventy-nine, and if practicable, to complete and render tenantable some portion thereof at an earlier date.

"The general plan for the exterior of the new capitol, according to which the building has thus far been constructed, having been adopted with the approval of the Commissioners of the Land Office and the Governor, in pursuance of law, the same shall not be changed or modified, except upon like approval of the Governor and a majority of the Commissioners of the Land Office.

"The Superintendent of the new Capitol is hereby authorized and directed to audit or settle any outstanding obligations for rent, labor or materials done or furnished by order of the board of new Capitol Commissioners heretofore existing, subject to the concurrent approval in writing of the Commissioners of the new Capitol, and in such audit and settlement, any claims, overpayment or equitable offsets the State may have to any such obligations shall be deducted therefrom, and the amounts allowed and approved by the Commissioners as aforesaid, shall be paid by the Comptroller out of this appropriation, with such interest as shall be allowed and approved by said Commissioners aforesaid."

Page 24. After line 5, insert the following new item :

"PAYABLE FROM THE FREE SCHOOL FUND.

"For the National Commercial Bank of Albany, for interest upon overdrafts on the free school fund, from July first, eighteen hundred and seventy-two, up to January first, eighteen hundred and seventy-six, the sum of three thousand nine hundred and seventy-three dollars and twenty-five cents; and for overdrafts on said fund from January first to October first, eighteen hundred and seventy-six, the sum of four hundred dollars, or so much thereof as may be necessary."

And your committee further report that they have agreed to recommend that the Assembly do concur in the following items and amendments as proposed by the Senate, upon being amended in conference, so as to read as follows :

Page 4. Lines 23 to 30 inclusive, amend item for expenses of cartage of documents, so as to read as follows :

"For the payment of the expenses of cartage of Senate and Assembly documents to the post-office in Albany, during the session of eighteen hundred and seventy-six, two hundred dollars, to be paid to the parties who render the service, in such proportions as the Comptroller shall determine to be just and proper; and to the mail carrier of the Assembly to make his pay three dollars per day, the sum of one hundred dollars."

Page 7. After "dollars," in line 32, insert the following: "and a detailed statement of such expenses shall be furnished by the Attorney-General to the Comptroller; and for the expenses of carrying on the suits now pending in the United States court against the State of Connecticut, instituted pursuant to resolution of the Legislature, to determine the boundary line through Long Island sound and the constitutionality of certain laws of Connecticut, the sum of one thousand dollars, or so much thereof as may be necessary."

Page 8. Line 34, after "mentioned," insert the following: "and to the clerk of the President of the Senate the same compensation as is allowed to the Speaker's clerk, and to the clerks of said committees, to each of them, the same mileage as allowed to members of the Legislature."

Page 9. After the item for E. M. Plumb, insert the following:

"For the rent of rooms, gas, fuel and furniture for the committee on finance of the Senate, and for Assembly committees for the session of the Legislature of eighteen hundred and seventy-six, two thousand five hundred dollars, to be paid to the parties entitled to receive the same in such proportions as the chairman of the committee on finance and the Speaker of the Assembly shall, respectively, certify to be just and proper."

Page 10. Line 8, in the item for the Adjutant-General, strike out "for the Adjutant-General" and insert the same before "for," in line 12.

Line 9, strike out "five" and insert "six," and after "thousand" insert "two hundred," so as to read as follows:

"For repairs of arsenals and armories belonging to the State, six thousand and two hundred dollars, or so much thereof as may be necessary, to be paid on the audit of the Adjutant-General and the approval of the Governor, as commander-in-chief. For the Adjutant-General for."

Page 12. Amend the paragraph commencing on line 25, relating to the Homœopathic Asylum for the Insane at Middletown, so as to read as follows:

"For the State Homœopathic Asylum for the Insane, at Middletown, for grading and improving grounds around new building, for the erection of farm buildings, for farm fences and fences around buildings, for grading and connecting roadway with the highway to Middletown, for completing the corridor to connect the two buildings, for building a dead-house, for library, for additional steam-heating in the administrative building, for laying main gas-pipe connecting asylum buildings with the gas-works of the village of Middletown, for railroad switch and additional coal bins, for meat and butter store-house and refrigerator, and for maintenance (including medical supplies), thirty-one thousand one hundred dollars; for balance due ventilating architect, one thousand dollars; for balance due Carl Pfeiffer, general architect, four thousand dollars, which sum is in full for all services; for extra and additional work on pavilion building, five thousand dollars; for salaries of officers and employes for present fiscal year, seven thousand five hundred dollars; and for the salary of the superintending builder until May two, eighteen hundred and seventy-six, the sum of two thousand two hundred and fifty dollars. The salary of said superintending builder from and after May two, eighteen hundred and seventy-six, is hereby fixed at two thousand dollars per year. The office of the superintending builder for said asylum shall terminate, and the salary thereof shall cease upon the expiration of one year from the date of the passage of this act."

Page 14. Amend the paragraph commencing after line 34, relating to the Elmira reformatory, so as to read as follows:

"For the Elmira Reformatory, for furnishing the cells and rooms thereof, twenty thousand dollars; for purchasing material for construction of shops, buildings and enclosures for the same, fifty thousand dollars, or so much thereof as may be necessary; for the payment of the salaries of the officers, and for the maintenance of the inmates of said reformatory, thirty thousand dollars, or so much thereof as may be necessary; and for fuel, light, employed labor and other necessary purposes, ten thousand dollars, or so much thereof as may be necessary."

The above appropriations to be expended as the Legislature shall direct for the organization and maintenance of the reformatory for criminal offenders of a minor grade, under the direction of Louis D. Pillsbury, Sinclair Toucey, William C. Way, Rufus H. King and Ariel S. Thurston."

Page 15. Amend the paragraph commencing on line 24, relating to the Central New York Institution for Deaf Mutes, at Rome, so as to read as follows:

"For the Central New York Institution for Deaf Mutes, at Rome, for the support and instruction of seven pupils from February fourth, eighteen hundred and seventy-six, and three pupils from March seventeenth, one from April first and one from May first, eighteen hundred and seventy-six, to the end of the present fiscal year, in addition to the number provided for in the annual appropriation bill of eighteen hundred and seventy-five, the sum of two thousand one hundred and twenty dollars and eighty-one cents."

Page 16. After line 7, amend the paragraph for Edward Toole, so as to read as follows:

"For Edward Toole, as a gratuity, for personal injuries received by him as a keeper in Auburn State prison, from the criminal assault of convicts, while engaged in the discharge of his duties in quelling an outbreak in said prison, the sum of three thousand dollars."

Page 18. Lines 4 to 18 inclusive, item for county of Cayuga, amend so as to read as follows:

"For the county of Cayuga, to reimburse it for expenses paid for the two trials of Michael Donohue, indicted for the murder of a convict in Auburn prison, in eighteen hundred and seventy-three, for the trial of Eagan, Clifford, Coughlin and Hardy, indicted for an assault with a deadly weapon upon a keeper in said prison, in eighteen hundred and seventy-four, and for the trial of Edwin Thomas, indicted for the murder of a convict in said prison, in eighteen hundred and seventy-five, the sum of five thousand dollars, or so much thereof as may be necessary."

Page 20. Item with regard to funds deposited by contractors, after line 5, amend the same so as to read as follows:

"The sum of twenty-two thousand eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated to refund to the contractors the amounts deposited by them, in trust, with the late treasurer, in pursuance of acts chapter eight hundred and fifty of the Laws of eighteen hundred and seventy-two, and chapter seven hundred and sixty-six of the Laws of eighteen hundred and seventy-three, with such equitable interest as may be due thereon, which deposits were loaned by said treasurer to the Farmers and Mechanics' Bank of Rochester, and the Bank of Brockport, and are now unavailable in consequence of the failure of said banks. The aforesaid appropriation shall be paid to the contractors on the warrant of the Comptroller, upon the Treasurer certifying the amount to which such contractors are severally entitled."

Page 23, after line 12, amend paragraph in relation to quarantine so as to read as follows:

"For the board of commissioners of quarantine, for the care and maintenance of the quarantine establishment, the sum of ten thousand dollars, or so much thereof as may be necessary to be expended for repairs for clerk and superintendent hire and office rent. All other expenses of the quarantine establishment incurred by the health officer, including the running and repairs of the steamboats and mooring hospital ships, but



excepting salaries of the commissioners of quarantine, shall be borne and paid by such health officer.

"The health officer shall appoint at least four policemen, whose services shall be paid for, by him, and may dismiss them or either of them at pleasure, and appoint others in their places. Such policemen shall perform patrol and police duty, under the direction of the health officer, in connection with the quarantine establishment and upon the waters of the bay of New York; and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn; and any person arrested by either of said policemen for violating any law or regulation relating to quarantine, in said port, may be taken by him before any court of criminal jurisdiction, or any magistrate or police justice within the county of Richmond, and thereupon the court, magistrate or police justice, before whom such offender shall be brought, shall have jurisdiction to hear, try and punish the offender for the offense committed by him in the same manner and with the like effect as if the same had been committed within the limits over which such court, magistrate or police justice has jurisdiction to punish for offenses under existing laws."

And your committee further report that they have agreed to recommend that the Senate do recede from the following amendments to the bill as proposed in the Senate:

Page 6. At the end of line 24, insert the following: "To the Superintendent of Public Instruction, two hundred and fifty dollars for clerk hire, to pay deficiency of stipulated compensation to James C. Brown, a former clerk in that department, on account of services rendered between January one, eighteen hundred and seventy-five, and October one, eighteen hundred and seventy-five."

Page 7, line 32, strike out "fifteen," and insert "ten."

Page 11. Strike out paragraph on lines 15 to 25 inclusive, relating to law library at Utica, as follows:

"For the purpose of establishing a law library, to be located at Utica, Oneida county, for the use of the Supreme Court, the sum of two thousand dollars, to be expended in the purchase of books, under the direction and supervision of the justices of the Supreme Court, residing in said city. The warrant of the Comptroller shall not, however, be issued for the above mentioned sum, until an equal amount shall be raised, either by private subscription, or by resolution of the board of supervisors of Oneida county, for the same purpose. The certificate of said justice of the Supreme Court of the fact, shall be evidence to the Comptroller that the sum has been raised.

Page 14. Strike out lines 5, 6, 7, 8 and 9, as follows:

"For the State Inebriate Asylum at Binghamton, for constructing a work-shop in one of the unfinished buildings of the asylum; for constructing a cistern, and for repairing and cleaning the pipes leading from the springs now supplying the asylum with water, six thousand dollars."

Page 15. Line 2. Strike out "twenty," and insert "fifty."

Page 20. Line 4, strike out "sixteen," and insert "twenty-two;" strike out "three," and insert "eight."

And your committee further report that they have agreed to recommend that the Senate do recede from the amendments to the bill as proposed in the Senate upon the following items, and do concur in the same upon being amended in conference, so as to read as follows:

Page 17. Line 13, to and including the word "dollars" in line 15, amend paragraph in relation to discharged prisoners, so as to read as follows:

"For maintaining the system of guidance, employment, and aid of discharged prisoners as now established, the sum of five thousand dollars to be expended in such manner as the Comptroller shall direct."

Page 23, lines 13 to 36 inclusive, amend paragraph in relation to State survey, so as to read as follows:

"For making an accurate trigonometric and topographical survey of the State for the determination of State and county lines, the sum of twenty thousand dollars, to be paid to the parties entitled to receive the same, upon the audit of the board hereinafter created, as attested by the requisition of the president and clerk thereof as hereinafter provided. William A. Wheeler, Horatio Seymour, John V. L. Pruyn, Robert S. Hale, Frederick L. Olmstead, William Dorsheimer and Francis A. Stout are hereby appointed commissioners to conduct the same, to be known as the Board of Commissioners of the State Survey, to hold office for a term of one year, and to serve as such without compensation, but such commissioners may be reimbursed for their expenses necessarily incurred in the discharge of their duties to an amount not exceeding the sum of three hundred dollars each. The said board shall select one of their number as president thereof and may employ a clerk, and shall on or before the fifteenth day of next January, make to the Legislature a report of their proceedings during the year and a detailed statement of their expenditures. The said commissioners shall, in the discharge of their duty, so far as the same is practicable, cause to be established certain points and lines for the guidance of local surveyors, and at least one such point and line in each county, connecting the same with the triangulation of the United States Coast Survey, now established and fixed by permanent monuments from Fire Island to the Canada line, and with the boundary survey of the line between this State and Canada."

All of which is respectfully submitted.

HAMILTON HARRIS,  
D. A. MOORE,  
JOHN C. JACOBS,  
*Senate Committee.*

GEO. D. SLOAN,  
GEO. I. POST,  
J. J. HAYES,  
RICHARD U. SHERMAN,  
JAMES FAULKNER, JR.  
*Assembly Committee.*

Mr. Bradley moved that the report be laid upon the table and printed. The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved to disagree with so much of said report as strikes out the appropriation of \$100,000 for the completion of the north wing of the Elmira Reformatory.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Starbuck	
Bradley	Hammond	St. John		7

#### FOR THE NEGATIVE.

Baaden	Doolittle	Prince	Selkreg	
Booth	Harris	Robertson	Vedder	
Cole	McCarthy	Rogers	Wagner	
Coleman	Moore	Sayre	Woodin	18

Mr. Hammond offered the following:

*Resolved,* That the report of the conference committee on the supply bill lie on the table and be printed, in such form as to show the amendments made to the bill as originally reported to the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Gerard	Morrissey	Starbuck	
Emerson	Hammond			6

FOR THE NEGATIVE.

Baaden	Harris	Moore	Sayre	
Booth	Jacobs	Prince	Selkreg	
Cole	Kennaday	Robertson	Vedder	
Coleman	Loomis	Rogers	Wagner	
Doolittle	McCarthy	St. John	Woodin	20

Mr. Woodin moved to disagree with so much of the report as appropriates \$20,000 for a topographical survey of the State.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Cole	Hammond	Vedder	
Bradley	Emerson	McCarthy	Woodin	8

FOR THE NEGATIVE.

Bixby	Harris	Moore	Sayre	
Carpenter	Jacobs	Morrissey	Selkreg	
Coleman	Kennaday	Robertson	Starbuck	
Doolittle	Lamont	Rogers	Wagner	
Gerard	Loomis	St. John		19

The President then put the question on agreeing to said report, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John	
Bixby	Harris	Moore	Sayre	
Booth	Jacobs	Morrissey	Selkreg	
Carpenter	Kennaday	Prince	Vedder	
Coleman	Lamont	Robertson	Wagner	
Doolittle	Loomis	Rogers	Woodin	24

FOR THE NEGATIVE.

Bradley	Emerson	Hammond	Starbuck	
Cole				5

When the name of Mr. Hammond was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Hammond subsequently voted in the negative.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the official acts of the town officers in the several towns of the county of Yates," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to confirm the official acts of the town officers in the several towns of the county of Yates, and to permit them to take the oath prescribed by the Constitution."

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Robertson
Bixby	Emerson	Loomis	Rogers
Booth	Gerard	McCarthy	Sayre
Bradley	Hammond	Moore	Selkreg
Cole	Harris	Morrissey	Wagner
Coleman	Jacobs	Prince	Woodin
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Emerson, from the committee on erection and division of towns and counties, to which was referred the Assembly bill entitled "An act to re-establish the boundary line of the counties of Oneida and Madison between part of the towns of Vernon and Lenox, in said counties," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Booth presented the Twenty-ninth Annual Report of the Regents of the University on the New York State Museum of Natural History; which was laid upon the able and ordered printed.

(See Doc. No. .)

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act for the more effectual removal of offal and dead animals from the shores of King and Richmond counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to authorize the transfer of the property of the New York Seamen's Association to the American Seamen's Friend Society, and to dissolve said New York Seamen's Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to amend section 5 of chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Starbuck asked and obtained leave to introduce a bill entitled "An act to secure the just assessment of life insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Starbuck moved that said bill be printed, pending its consideration by the committee on insurance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to legalize the official acts of David J. Carver, as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sayre
Booth	Harris	Moore	Selkreg
Carpenter	Jacobs	Morrissey	Starbuck
Cole	Kennaday	Robertson	Wagner
Coleman	Lamont	Rogers	Woodin
Doolittle			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 38 of title 1 of chapter 17, part 1 of the Revised Statutes, relative to auction sales in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	Sayre
Bixby	Gerard	McCarthy	Selkreg
Booth	Hammond	Moore	Starbuck
Bradley	Harris	Morrissey	Vedder
Cole	Jacobs	Robertson	Wagner
Doolittle	Kennaday	St. John	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the removal of clouds and apparent liens upon the title to real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Prince
Bixby	Gerard	Lamont	Robertson
Booth	Hammond	McCarthy	Sayre

Bradley  
Cole  
Coleman

Harris  
Jacobs

Moore  
Morrissey

Starbuck  
Wagner

21

## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth  
Bradley  
Cole  
Coleman

Emerson  
Gerard  
Hammond  
Jacobs  
Kennaday  
Lamont

McCarthy  
Moore  
Morrissey  
Prince  
Robertson  
Rogers

St. John  
Sayre  
Selkreg  
Starbuck  
Vedder  
Wagner

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 4 of chapter 856 of the Laws of 1869, entitled 'An act to amend an act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Booth  
Bradley  
Emerson

Gerard  
Hammond  
Jacobs  
Kennaday

Lamont  
McCarthy  
Morrissey  
Robertson

Rogers  
St. John  
Tobey  
Wagner

17

## FOR THE NEGATIVE.

Doolittle

Selkreg

Starbuck

3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Buffalo Bar Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby  
Booth  
Bradley

Doolittle  
Emerson  
Gerard

Lamont  
McCarthy  
Morrissey

Rogers  
St. John  
Tobey

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Cole	Jacobs	Robertson	Woodin	
Coleman	Kennaday			18

## FOR THE NEGATIVE.

Prince	Selkreg			2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of the said town of Orleans," having been announced for a third reading,

Mr. Starbuck moved that the committee of the whole be discharged from the further consideration of Assembly bill No. 209, same title, and that the same be substituted for the Senate bill under consideration.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said Assembly bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	St. John	
Bradley	Gerard	Morrissey	Selkreg	
Carpenter	Hammond	Prince	Starbuck	
Cole	Jacobs	Robertson	Tobey	
Coleman	Kennaday	Rogers	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend section 16 of title 3 of chapter 6 of part 1 of the Revised Statutes, relating to election districts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John	
Bixby	Gerard	Morrissey	Selkreg	
Bradley	Hammond	Prince	Starbuck	
Cole	Jacobs	Robertson	Wagner	
Coleman	Kennaday	Rogers	Woodin	
Doolittle	Lamont			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the filling up of sunken lots in the city of Brooklyn," having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows:

Section 2, line 6, engrossed bill, strike out the words "the same," and insert "for said work."

Section 4, lines 8 and 9, strike out the words "unless the same shall be set aside for irregularity."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Selkreg
Bixby	Jacobs	Prince	Starbuck
Booth	Kennaday	Robertson	Tobey
Bradley	Lamont	Rogers	Wagner
Cole	Loomis	St. John	Woodin
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to extend the time for the commencement and completion of the Brooklyn Elevated Railway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Loomis	St. John
Bradley	Harris	McCarthy	Selkreg
Cole	Jacobs	Morrissey	Tobey
Coleman	Kennaday	Robertson	Vedder
Doolittle	Lamont	Rogers	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	St. John
Booth	Jacobs	Moore	Selkreg
Carpenter	Kennaday	Morrissey	Starbuck
Cole	Lamont	Prince	Tobey
Coleman	Loomis	Robertson	Wagner
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm a deed from the trustees of the Lewis school fund, of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority



of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Selkreg
Bixby	Harris	McCarthy	Starbuck
Carpenter	Jacobs	Morrissey	Tobey
Cole	Kennaday	Prince	Vedder
Coleman	Lamont	Robertson	Wagner
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the clerks, officers and attendants of the Marine Court of the city of New York," having been announced for a third reading,

On motion of Mr. Morrissey, and by unanimous consent, said bill was amended as follows :

Section 2, line 4, after the word "dollars," first occurring, insert the word "each."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Booth	Jacobs	Robertson	Starbuck
Bradley	Lamont	Rogers	Tobey
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Morrissey		

22

FOR THE NEGATIVE.

Gerard

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to extend the time for making assessments for taxes in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Bradley	Jacobs	Rogers	Tobey
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Woodin
Doolittle	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 125 of the Laws of 1874, entitled 'An act to provide for the establishment of a system of graded schools in the village of Ithaca,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Gerard	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Kennaday	Robertson	Wagner
Cole	Lamont	Rogers	Woodin
Coleman	Loomis	St. John	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm the official acts of L. W. Emerson as notary public of Kings county," having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was amended as follows :

Section 1, line 1, strike out "L," and insert "Luther."

Amend the title so as to make "L. W. Emerson," read "Luther W. Emerson."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Sayre
Booth	Gerard	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder
Coleman	Kennaday	St. John	Woodin
Doolittle	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to confirm the official acts of the trustees of the village of Wellsburgh, in the county of Chemung, and to provide for the election of their successors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy	St. John	Wagner
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the sale of a part of the 'poor-house farm,' so called, situate in the town of Oswego; also certain land in the city of Oswego, known as the public square block," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Kennaday	St. John
Booth	Emerson	Loomis	Selkreg
Bradley	Gerard	McCarthy	Starbuck
Cole	Harris	Prince	Vedder
Coleman	Jacobs	Robertson	Wagner

20

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town for the purpose of building a town hall," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Hammond	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 38 of the Laws of 1874, entitled 'An act for the disposition of excise moneys and fines for intoxication within the village of Monticello,' passed February 27, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Jacobs	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Doolittle	Lamont	St. John	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm and legalize the proceedings to incorporate the village of Port Dickinson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Jacobs	Rogers	Tobey
Booth	Kennaday	St. John	Vedder
Bradley	Loomis	Sayre	Wagner
Cole	McCarthy	Selkreg	Woodin
Doolittle	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Booth	Jacobs	Rogers	Tobey
Bradley	Kennaday	St. John	Vedder
Cole	Loomis	Sayre	Wagner
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The committee of conference appointed by the Senate and Assembly relative to the matters in difference between the two Houses upon the Assembly bill entitled "An act to provide for the construction and maintenance of four additional public baths in the city of New York," having met and duly considered the same, have agreed to recommend to their respective Houses as follows:

That the Assembly agree to all the amendments made by the Senate.

J. W. BOOTH,  
J. W. GERARD,  
JOHN MORRISSEY,  
*Senate Committee.*

ARCHIBALD WATTS,  
P. J. CARTY,  
GEO. W. BETTS,  
JOHN GALVIN,  
K. S. TOWNSEND,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Starbuck	
Bixby	Gerard	Rogers	Tobey	
Booth	Kennaday	St. John	Vedder	
Cole	Loomis	Sayre	Wagner	
Doolittle	McCarthy	Selkreg	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Booth offered the following:

*Resolved*, That 1,500 copies of the Twenty-ninth Annual Report of the Regents of the University on the State Museum of Natural History be printed for the use of the Regents of the University, and 300 copies for the use of the director of the State Museum.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Bixby offered the following:

*Resolved*, That the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" and that the same be referred to the committee on miscellaneous corporations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the village of Cooperstown, in the county of Otsego, to borrow money and issue bonds of the village therefor in payment of the floating debt of said village."

Assembly, "An act to amend chapter 163 of the Laws of 1873, entitled 'An act to organize and establish a police for the city of Yonkers.'"

Assembly, "An act to facilitate the distribution of the property and effects of the Asbury Life Insurance Company."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Tobey moved that said bill be committed to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Rogers, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled, 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' and passed February 28, 1873."

"An act to repeal sections 3, 4, 5, 6, 7 and 8 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning Library.'"

Assembly, "An act relating to the appointment and duties of engineers employed on the canals of this State."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the second named bill, with amendments, with the title amended so as to read "An act to amend section 3 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning Library,'" which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act authorizing and empowering the commissioners of public works of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal in Allen street, in the city of Rochester."

Assembly, "An act to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome."

Assembly, "An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, with the title amended by striking out the words "commissioners of public works," and inserting "common council," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley offered the following :

*Resolved*, That a respectful message be sent to the Assembly, requesting the return to the Senate of Assembly bill entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

Pending which,

On motion of Mr. Woodin, the Senate took a recess until half-past seven o'clock P. M.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Tobey, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 482 of the Laws of 1868, entitled 'An act authorizing any life insurance company or any trust or loan company, to invest their funds in bonds issued by any county, town or village in this State, pursuant to any law of this State,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to change the name of the Knickerbocker Plate Glass and Accident Insurance Company of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend act chapter 77 of the Laws of 1870, as amended by act chapter 144 of the Laws of 1872, relative to ward boundaries in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to enable the city of Syracuse to raise money by tax for the centennial celebration of the 4th July, 1876, and for fixing the salary of the assistant overseer of the poor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to Riverside avenue and park in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relating to assessments for the construction of sewers and drains in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to regulating, grading and otherwise improving streets, roads and avenues in the city of New York, and to limit the issue of stock and bonds in anticipation of the collection of assessments therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public buildings, incurred during the years 1869, 1870, 1871 and 1872, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relative to claims and legal proceedings against the mayor, aldermen and commonalty of the city of

New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue, from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue, and concourse in continuance of a public highway or avenue heretofore laid out, from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relative to annual expenditures and appropriations on account of the mayor, aldermen and commonalty of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards by the Canal Board," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1876, and to provide for deficiencies in former appropriations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cole, from the committee on canals, to which was referred the concurrent resolution in the words following:

*Resolved* (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board, to the reduction of canal tolls to the extent named in their schedule, transmitted to the Assembly of this State by the Auditor of the Canal Department on the 20th day of March last, and that the Legislature recommend and consent to a reduction of tolls on timber in the same ratio as on lumber—requested to be discharged from the further consideration thereof, and that the same be referred to the Senate for its consideration.

The President put the question whether the Senate would agree to discharge the committee on canals from the further consideration of said resolution, and it was decided in the affirmative.

Mr. Cole moved that said resolution be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed May 2, 1834, incorporating the



village of Camden, as amended by chapter 54 of Laws of 1864," reported in favor of the passage of the same.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 788 of the Laws of 1867, entitled 'An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the surplus fund of the town of Unadilla, in Otsego county," reported the same for the consideration of the Senate.

The Assembly sent for concurrence the bills entitled as follows :

"An act supplemental to an act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the supervisor of the town of Geneseo to insure the Geneseo normal and training school," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 181 of the Laws of 1875, entitled 'An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof.'"

*Ordered*, that the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to amend chapter 563 of the Laws of 1869, entitled 'An act to amend an act entitled An act to protect butter and cheese manufacturers, passed May 2, 1864,'" with a message that they had agreed to the report of the committee of conference thereon in the words following:

The committee of conference appointed by the Senate and Assembly relative to the matters of difference between the two Houses upon the bill entitled "An act to amend chapter 563 of the Laws of 1869, entitled 'An act to amend an act entitled An act to protect butter and cheese manufacturers,' passed May 2, 1864," having met and duly considered the same, have agreed to recommend as follows:

That the Assembly recede from their amendments to said bill, and that the same be amended as follows:

Section 1 (engrossed bill), insert, after the word "follows," line 7, the following:

"Section 1. Section one of chapter five hundred and eighteen of the Laws of eighteen hundred and sixty-four is hereby amended so as to read as follows: "

D. P. LOOMIS,  
W. WAGNER,  
T. S. SAYRE,

*Senate Committee.*

ISAAC PLUMB,  
MORRIS N. CAMPBELL,  
SYLVESTER GRIDLEY,  
GEO. M. VOORHEES,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Booth	Doolittle	Moore	Sayre
Bradley	Hammond	Morrissey	Tobey
Carpenter	Harris	Prince	Vedder
Cole	Lamont	Robertson	Woodin
Coleman	Loomis	St. John	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to provide means for the establishment of an aquarium on that portion of the Central Park formerly known as Manhattan Square, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs moved that the bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" be recommitted to the committee on insurance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder moved to take from the table the motion to reconsider the vote by which the bill entitled "An act in relation to the inspection and running of steamboats on Chautauqua lake," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Prince	Tobey
Booth	Harris	Robertson	Vedder
Carpenter	Lamont	Rogers	Wagner
Cole	McCarthy	Sayre	Woodin
Coleman	Morrissey	Selkreg	

19

## FOR THE NEGATIVE.

Hammond	Starbuck		
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2

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Selkreg
Booth	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Vedder

Cole	Loomis	St. John	Wagner	
Coleman	McCarthy	Sayre	Woodin	20

## FOR THE NEGATIVE.

Hammond	Rogers	Starbuck		2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church,' passed April 13, 1871," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church to convey certain property," and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes.'"

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof."

"An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter 590 of the Laws of 1869."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Lamont, from the same committee, reported in favor of the passage of the second and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

"An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'"

"An act in relation to arrears of taxes in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Doolittle, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Doolittle moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Doolittle, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal an act entitled 'An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton.'"

Assembly, "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873."

Assembly, "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof,' passed May 28, 1875."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," which report was agreed to, and the same ordered to a third reading.

Mr. Bradley called for the consideration of the question pending, upon agreeing to the resolution recalling from the Assembly the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county.'"

"An act to amend chapter 256 of the Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870.'"

"An act to amend chapter 231 of the Laws of 1867, entitled 'An act to amend the charter of the village of Johnstown and the several acts amendatory thereof, and to extend the boundary of said village.'"

After some time spent therein the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the committee on Indian affairs, to which was referred the bill entitled "An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the Manual Labor School upon the Tonawanda Reservation,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush, passed March 22, 1854, and April 29, 1863,' passed April 25, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Hammond, the Senate adjourned.

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### WEDNESDAY, APRIL 19, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Rogers presented a petition of citizens of Erie county, for an equitable system of taxation; which was read and referred to the committee on finance.

Mr. Hammond presented a petition of citizens of Yates county, for an amendment to the law for the suppression of intemperance; which was read and referred to the committee on internal affairs.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Chautauqua Lake Sunday School Assembly," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to authorize the Chautauqua Lake Camp Meeting Association to convey certain property," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the official acts of Archibald Hance, as notary public," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the Baptist church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 29 of chapter 460 of the Laws of 1837, entitled 'An act concerning the proof of wills, executors, administrators, guardians and wards and surrogates' courts," passed May 16, 1837, as amended by chapter 229 of the Laws of 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the election and compensation of coroners in the county of Rensselaer," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to make the office of supervisor, in the county of Erie, a salaried office, and to provide for the appointment and compensation of other officers of said board," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 458 of the Laws of 1875, entitled 'An act to amend chapter 807 of the Laws of 1873, entitled An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act concerning notaries public, in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate situate in the city of Brooklyn, and also in the town of Flatbush, in the county of Kings, and State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing-bridge over the Erie canal, in Allen street, in the city of Rochester."

"An act to amend section 3 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning Library.'"

"An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes.'"

"An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter 590, Laws of 1869,"

"An act to amend chapter 231 of the Laws of 1867, entitled 'An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundary of said village.'"

"An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'"

"An act to amend chapter 256 of the Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870.'"

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park, on the west side of East street, in said village, or any part thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act in relation to the care and investment of the Adam Haverling school fund, in the hands of the trustees of the village of Bath," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act in relation to the public cemetery in the village of Port Byron, in the county of Cayuga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 325 of the Laws of 1874, entitled 'An act to incorporate the village of Bath-on-the Hudson, Rensselaer county, New York,' passed May 5, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Springville,' passed April 11, 1834," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Emerson, from the committee on public health, to which was referred the bill entitled "An act for the more effectual removal of offal and dead animals from the shores of Kings and Richmond counties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to change the name of the Rochester and Pine Creek Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to declare Swiss creek, in Lewis county, a public highway," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to declare Independence creek and its tributaries, in Lewis county, a public highway," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State reformatory at Elmira, and to prescribe the manner of such investigation," with a message that they had agreed to the report of the committee of conference thereon, in the words following:

Your committee of conference, to which was referred the matters of difference between the two Houses upon the Senate bill entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State and the State reformatory at Elmira, and to prescribe the manner of such investigation," beg leave respectfully to report that they have met and duly considered the same, and have agreed to recommend the following (reference in all cases being had to engrossed bill), viz.:

That the Senate concur in the following amendment proposed by the Assembly:

Section 12, line 1, after the word "all," insert the words "corrupt and willful."

That the Assembly recede from the amendment proposed by the Assembly in section 14, line 2, and re-insert the word "twenty," in lieu of the word "fifteen."

That the Senate concur in the following amendments proposed by the Assembly:

Section 15, line 2, strike out the word "two," before the word "clerks," and, in lieu thereof, insert the word "one." Strike out the letter "s" in the word "clerks." Same section, line 7, strike out the words "their respective," and insert the word "his," in lieu thereof. Same section, line 8, after the word "be," insert the words "subject to the approval of and to be."

That the Senate concur in the following amendment proposed by the Assembly to section 17: Line 9, strike out, after the word "room," all down to and including the word "Legislature."

All which is respectfully submitted.

A. SCHOONMAKER, JR.,  
A. J. WELLMAN,  
C. P. VEDDER,  
*Senate Committee.*

GEO. B. SLOAN,  
WALTER BALLOU,  
S. D. HALLIDAY,  
JOHN T. HOGEBOOM,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Sayre
Booth	Gerard	Prince	Schoonmaker
Bradley	Hammond	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Wagner
Cole	Kennaday	St. John	Woodin
Coleman	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.



Mr. Prince presented the Annual Report of the Poppenhusen Institute, Valley Point, Long Island, which was laid upon the table and ordered printed.

(See Doc. No. 75.)

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,' passed June 21, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to provide for the abatement of nuisances by boards of health of incorporated cities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act to legalize certain acts relative to the organization of school district No. 10, of the town of Newtown, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide a government for the New York State reformatory at Elmira, and to provide for the completion of the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes, in the counties of Rockland and Delaware," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act making an appropriation to the commissioners of emigration, to enable them to perform the duties imposed upon them by law," reported the same to the Senate, for its consideration, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend chapter 231 of the Laws of 1837, entitled 'An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundary of said village,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Schoonmaker
Bixby	Harris	Prince	Starbuck
Booth	Jacobs	Robertson	Vedder
Bradley	Kennaday	Rogers	Wagner
Cole	Loomis	St. John	Woodin
Doolittle	Moore	Sayre	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter 590 of the Laws of 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Hammond	Morrissey	Selkreg
Booth	Jacobs	Robertson	Vedder
Bradley	Kennaday	Rogers	Wagner
Cole	Loomis	St. John	Woodin
Doolittle	McCarthy		

22

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend section 3 of chapter 392 of the Laws of 1873, entitled 'An act for the relief of the Corning library,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Booth	Hammond	Moore	Sayre
Bradley	Kennaday	Morrissey	Schoonmaker
Coleman	Lamont	Robertson	Selkreg
Doolittle	Loomis	Rogers	Wagner

20

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 256 of Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Booth	Kennaday	Prince	Starbuck
Bradley	Lamont	Robertson	Vedder
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Booth	Kennaday	Prince	Vedder
Bradley	Lamont	Robertson	Wagner
Cole	Loomis	Rogers	Woodin
Coleman	McCarthy	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the village of Coopers-town, in the county of Otsego, to borrow money and issue bonds of the village therefor, in payment of the floating debt of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Gerard	Prince	Starbuck
Booth	Kennaday	Robertson	Tobey
Bradley	Lamont	Rogers	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Schoonmaker	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 163 of the Laws of 1873, entitled 'An act to organize and establish a police for the city of Yonkers,'" was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	

19

## FOR THE NEGATIVE.

Schoonmaker

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act relating to the appointment and duties of engineers employed on the canals of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Rogers
Bixby	Doolittle	Loomis	St. John
Booth	Gerard	McCarthy	Starbuck
Carpenter	Hammond	Prince	Tobey
Cole	Kennaday	Robertson	Wagner

20

## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river, between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Schoonmaker
Booth	Gerard	Prince	Selkreg
Carpenter	Kennaday	Robertson	Starbuck
Cole	Loomis	Rogers	Wagner
Coleman			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed May 2, 1834, incorporating the village of Camden,' as amended by chapter 54 of the Laws of 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Booth	Gerard	Prince	Selkreg
Bradley	Hammond	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey

Cole  
Coleman

Kennaday  
McCarthy

St. John

Wagner

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25 in Franklin county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Schoonmaker
Booth	Gerard	Morrissey	Selkreg
Bradley	Hammond	Prince	Tobey
Carpenter	Kennaday	Robertson	Wagner
Cole	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to repeal an act entitled 'An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Schoonmaker
Bradley	Hammond	Morrissey	Selkreg
Carpenter	Kennaday	Prince	Tobey
Cole	Lamont	Robertson	Wagner
Coleman			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' passed May 23, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Sayre
Booth	Gerard	Morrissey	Selkreg
Bradley	Kennaday	Prince	Tobey
Carpenter	Lamont	Robertson	Wagner
Coleman	Loomis	Rogers	

28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Booth	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Tobey
Coleman	Loomis	Rogers	Wagner
Emerson	McCarthy	St. John	

28

## FOR THE NEGATIVE.

Selkreg	Woodin		
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Rogers
Bixby	Gerard	Moore	St. John
Booth	Harris	Morrissey	Sayre
Carpenter	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Tobey
Doolittle	Loomis		

22

## FOR THE NEGATIVE.

Starbuck			
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to arrears of taxes in the city of New York" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Cole	Kennaday	Robertson
Bixby	Coleman	Loomis	Rogers
Booth	Doolittle	McCarthy	St. John
Bradley	Emerson	Morrissey	Starbuck
Carpenter	Harris	Prince	Wagner

20

## FOR THE NEGATIVE.

Gerard

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Emerson	Moore	St. John
Bradley	Gerard	Morrissey	Sayre
Carpenter	Kennaday	Prince	Selkreg
Cole	Lamont	Robertson	Starbuck
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' and passed February 28, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baden	Gerard	Moore	St. John
Booth	Hammond	Morrissey	Sayre
Bradley	Kennaday	Prince	Selkreg
Cole	Loomis	Robertson	Wagner
Doolittle	McCarthy	Rogers	Woodin
Emerson			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin offered the following:

*Resolved* (if the Assembly concur), That the time within which the commissioners appointed in pursuance of a concurrent resolution of the Senate and Assembly, passed May 22, 1875, to devise a plan for the government of cities, is required to report, be extended until the opening of the session of the next Legislature.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the bill entitled "An act to amend chapter 674, Laws of 1871, as amended by chapter 738 of the Laws of 1872," and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved that the committee on apportionment be requested to report to the Senate within three days.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Vedder moved that the executive session be postponed until a quarter before two o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers moved to take from the table the Assembly concurrent resolution in the words following:

*Resolved* (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board to the reduction of canal tolls to the extent named in their schedule, transmitted to the Assembly of this State by the Auditor of the Canal Department on the 20th day of March last, and that the Legislature recommend and consent to a reduction of tolls on timber in the same ratio as on lumber.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rogers moved that the consideration of said resolution be made a special order for to-morrow evening, at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly returned the following entitled Assembly bill, with a message that that they had agreed to the report of the committee of conference thereon:

"An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

*Ordered*, That the Clerk return said bill to the Assembly.



Mr. Bradley moved that the special order set down for this time, being the bill entitled "An act relating to the State Reformatory at Elmira," be postponed until to-morrow morning, during the order of business of special orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed May 11, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at South street, in the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn.'"

Assembly, "An act to amend chapter 890, Laws of 1867, entitled 'An act to lay out Washington square at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor,' passed May 10, 1867, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county."

Assembly, "An act to amend section 2, chapter 192 of the Laws of 1872, entitled 'An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners.'"

After some time spent therein the President resumed the chair, and Mr. Sayre, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to repeal chapter 158 of the Laws of 1874, entitled 'An act to amend the charter of the village of Akron, in the county of Erie,' passed April 10, 1874."

"An act further to amend chapter 47 of the Laws of 1837, entitled 'An act to incorporate the Young Men's Association of the city of Buffalo.'"

Assembly, "An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Hammond moved that said bill be printed, pending its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870.'"

"An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813.'"

"An act to provide for the incorporation of exchanges or boards of trade."

After some time spent therein, the President resumed the chair, and Mr. Starbuck, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate then went into executive session, and after some time spent therein, the doors were opened, and,

On motion of Mr. Woodin, the Senate adjourned.

## THURSDAY, APRIL 20, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Emerson presented a remonstrance of members of the Western New York Agricultural Society, against the sale of the property of said society; which was read and referred to the committee on agriculture.

Mr. Lamont presented a petition in favor of teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Kennaday moved that the bill entitled "An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn," be considered in the same committee of the whole with the special order set down for to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the preservation of the public peace, the protection of private property and the maintenance of law and good order in the towns of New Utrecht, Flatbush and Gravesend, in Kings county," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act for the preservation of the public peace, the protection of private property and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Frederick Zinsser," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act making the third and fifth days of July, in the year 1876, legal holidays," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the payment by the city of New York, of the salaries fixed by law of the arbitrator and clerk of the court of arbitration of the chamber of commerce of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John Christmann and Patrick Dunn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to increase the jurisdiction of surrogates'

courts, regulating the practice in surrogates' courts, and to provide for clerks of said courts," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to surrogates' courts," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York, and authorizing them to act in all or either of said counties," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was re-committed the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 5 of chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,'" and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide means for the establishment of an aquarium on that portion of the Central Park formerly known as Manhattan Square, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof."

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

"An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813.'"

"An act further to amend chapter 47 of the Laws of 1837, entitled 'An act to incorporate the Young Men's Association of the city of Buffalo.'"

"An act to provide for the incorporation of exchanges or boards of trade."

"An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870.'"

"An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regu-

late piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn.”

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled “An act to amend the charter of the Butchers’ Hide and Melting Association of the city of New York,” reported in favor of the passage of the same, with amendments, and the title amended so as to read “An act to amend chapter 330 of the Laws of 1865, entitled ‘An act to incorporate the Butchers’ Hide and Melting Association of the city of New York,’ ” and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled “An act to amend part 7, chapter 16, title 1 of the Revised Statutes, relating to highways and the duties of highway commissioners,” reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

The President presented a communication from the president of the department of public parks in the city of New York, relative to adding an aquarium to the building already erected for the purposes of a museum of natural history, on that portion of the Central Park formerly known as “Manhattan square;” which was read and referred to the committee of the whole.

The Assembly returned the Assembly bill entitled “An act to provide for the construction and maintenance of four additional public baths in the city of New York,” with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

“An act to authorize plank-road and turnpike companies formed under and by virtue of an act entitled ‘An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,’ passed May 7, 1847, to extend their charter or corporate existence.”

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bills entitled as follows:

“An act to amend chapter 563 of the Laws of 1869, entitled ‘An act to amend an act entitled An act to protect butter and cheese manufacturers, passed May 2, 1864.’ ”

“An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation.”

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

“An act to confirm and legalize the proceedings to incorporate the village of Fort Dickinson.”

“An act to confirm the official acts of the town officers in the several towns in the county of Yates, and to permit them to take the oath prescribed by the Constitution.”

“An act to prevent frauds in the sale of state-rooms, berths and tickets upon steamboats and steamships and other vessels.”

“An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the municipal court of the city of Rochester, and to amend the charter of said city.”

"An act to authorize the moneys collected of the tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year 1872, to be paid to the supervisor of said town of Orleans."

"An act to amend chapter 35 of the Laws of 1873, entitled 'An act to re-enact and amend an act entitled An act to incorporate the city of Yonkers, passed June 1, 1872.'"

"An act to provide for the filling up of sunken lots in the city of Brooklyn."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Prince moved that the bill entitled "An act in relation to certain streets in Long Island City," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Gerard asked and obtained leave to introduce a bill entitled "An act to amend chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,' passed April 30, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act further to amend chapter 47 of the Laws of 1837, entitled 'An act to incorporate the Young Men's Association of the city of Buffalo,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Robertson	Starbuck
Booth	Kennaday	St. John	Vedder
Carpenter	Loomis	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Moore		

22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Loomis moved to take from the table the bill entitled "An act to amend section 4 of chapter 254 of the Laws of 1847, entitled 'An act concerning the laws, journals and documents of the Legislature.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Schoonmaker
Bradley	Harris	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Vedder
Cole			

21

## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," having been announced for a third reading,

On motion of Mr. Doolittle, and by unanimous consent, said bill was amended as follows:

Add at the end of section 18, the following:

"The said board shall have power to sell and dispose of any of the property under their direction and control, except real estate, when, in their judgment, the interests of the said city will be promoted thereby, and the avails of such sales shall be paid to the city treasurer, and by him placed to the credit of the police and fire department fund thereof."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	St. John	Wellman

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal chapter 158 of the Laws of 1874, entitled 'An act to amend the charter of the village of Akron, in the county of Erie,' passed April 10, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Vedder

Doolittle	Loomis	Sayre	Wellman	
Emerson	McCarthy	Schoonmaker		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 2, chapter 192, of the Laws of 1872, entitled 'An act to amend an act entitled An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Schoonmaker	
Bixby	Gerard	Moore	Selkreg	
Booth	Harris	Prince	Starbuck	
Bradley	Jacobs	Robertson	Tobey	
Coleman	Kennaday	Rogers	Vedder	
Doolittle	Lamont	St. John	Wagner	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 890, Laws of 1867, entitled 'An act to lay out Washington square, at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor,' passed May 10, 1867, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg	
Bixby	Harris	Morrissey	Starbuck	
Bradley	Jacobs	Robertson	Tobey	
Coleman	Kennaday	St. John	Wagner	
Doolittle	Lamont	Sayre	Wellman	
Emerson	Loomis	Schoonmaker	Woodin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies,' passed April 5, 1813," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-



ity of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Sayre
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Doolittle	Lamont	Rogers	Wagner
Emerson	Loomis	St. John	Wellman
Gerard	McCarthy		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the incorporation of exchanges or boards of trade," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Schoonmaker
Bradley	Jacobs	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Emerson	Loomis	St. John	Woodin
Gerard	McCarthy	Sayre	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" having been announced for a third reading,

On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Section 7, line 18, engrossed bill, strike out the words "city attorney," and insert "corporation counsel."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	McCarthy	Schoonmaker
Carpenter	Harris	Moore	Starbuck
Cole	Jacobs	Morrissey	Tobey
Coleman	Kennaday	Robertson	Vedder
Doolittle	Lamont	St. John	Wellman
Lamont	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the formation of road districts in certain cases, within the corporate jurisdiction of plank-road and turnpike companies, and for the maintenance and improvement of roads therein," reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act in relation to certain streets in Long Island City," retaining its place on general orders, reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to streets in Long Island City," and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act relating to the State Reformatory at Elmira."

"An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported that they had substituted in place of the first named bill Assembly bill No. 508, entitled "An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same," have made some amendments thereto, and have amended the title thereof by adding the words "and to make an appropriation therefor," which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Jacobs moved that the Senate go into executive session ten minutes before two o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre offered the following:

*Resolved* (if the Assembly concur), That the Governor be requested to return, for amendment, the Senate bill, No. 34, entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title."

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to extend the time for the completion of certain parts of the Rome street railroad."

"An act to confirm the conveyance of certain real estate formerly owned by 'The First Associate Presbyterian Congregation of the village of Williamsburgh.'"

"An act to legalize the official acts of Glen Cuyler, as notary public."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness."

Assembly, "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

Assembly, "An act relating to courts, officers of justice and civil proceedings."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Coleman, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Coleman, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the hour of ten minutes before 2 o'clock having arrived, the President resumed the chair, and announced executive session.

Mr. Harris moved that the executive session be postponed until 2 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate, in committee of the whole, resumed the consideration of general orders, being the bills entitled as follows :

"An act extending the powers of the trustees of the village of Canandaigua."

"An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein.'"

Assembly, "An act to provide for the election of school commissioners in the city of Binghamton."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate then went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Woodin the Senate took a recess until half-past seven o'clock.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Harris moved that the Assembly bill entitled "An act to amend the charter of the Butcher's Hide and Melting Association of the city of New York," be committed to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the Hempstead and Jamaica Plank-road Company," reported the same for the consideration of the Senate.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the opening of Prospect avenue, in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was recommended the bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to such companies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate then proceeded to the consideration of the special order, being the Assembly resolution in the words following:

*Resolved* (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board, to the reduction of canal tolls to the extent named in their schedule, transmitted to the Assembly of this State by the Auditor of the Canal Department on the 20th day of March last, and that the Legislature recommend and consent to a reduction of tolls on timber in the same ratio as on lumber.

Mr. Doolittle moved to amend said resolution so as to read as follows:

*Resolved* (if the Assembly concur), That the Legislature recommend the adoption of the same rates of tolls on the canals as was fixed and adopted by the Canal Board for the year 1874, and that the Legislature recommend and consent that tolls on timber be in the same ratio as on lumber.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Doolittle	Moore	Wellman
Carpenter	Hammond	Sayre	Woodin
Cole			

9

## FOR THE NEGATIVE.

Baaden	Jacobs	Morrissey	St. John
Bixby	Kennaday	Prince	Selkreg
Coleman	Lamont	Robertson	Tobey
Emerson	Loomis	Rogers	Vedder
Harris	McCarthy		

18

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baden	Harris	McCarthy	St. John
Bixby	Jacobs	Morrissey	Selkreg
Coleman	Kennaday	Prince	Tobey
Emerson	Lamont	Robertson	Vedder
Gerard	Loomis	Rogers	

19

## FOR THE NEGATIVE.

Bradley	Doolittle	Sayre	Wellman
Carpenter	Moore	Starbuck	Woodin
Cole			

9

Mr. Woodin moved to reconsider the vote by which said resolution was concurred in, and that the further consideration of the same be made a special order for to-morrow evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baden	Doolittle	Moore	Vedder
Bradley	Hammond	Sayre	Wellman
Carpenter	Lamont	Selkreg	Woodin
Cole			

13

## FOR THE NEGATIVE.

Bixby	Jacobs	Morrissey	St. John
Coleman	Kennaday	Prince	Schoonmaker
Gerard	Loomis	Robertson	Starbuck
Harris	McCarthy	Rogers	Tobey

16

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer.'"

"An act to legalize and confirm the official acts of Elijah Clark, a justice of the peace in the town of De Witt, in the county of Onondaga, and to enable him to take and file his oath of office."

"An act to establish the Buffalo justices' court."

After some time spent therein the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize the acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus."

Assembly, "An act to authorize the supervisor of the town of Oyster Bay, county of Queens, and State of New York, to convey the right, title and interest of said town to a piece of land near Brookville, in said town, which has been used and occupied as the site of a school-house since 1827."

"An act to amend chapter 209 of the Laws of 1871, entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany Railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend chapter 834 of the Laws of 1869, and also to amend chapter 455 of the Laws of 1870, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson.'"

"An act to amend chapter 673 of the Laws of 1871, entitled 'An act to authorize the construction of sewers in the village and town of Saratoga Springs.'"

"An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter 590, Laws of 1869."

"An act to amend chapter 479 of the Laws of 1875, entitled 'An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court.'"

"An act supplementary to chapter 60 of the Laws of 1813, entitled 'An act to provide for the incorporation of religious societies,' and the acts supplementary thereto."

"An act in relation to the court of general sessions of the peace, in and for the city and county of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the resolution requesting the Governor to return to the Senate the bill entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers

and franchises upon the company under the new title," with a message that they had concurred therein.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence the bills entitled as follows :

"An act in relation to district justices' courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the proceedings of the town meeting, so far as the same relates to the election of highway commissioners, held in and for the town of Alden, Erie county, on the first Tuesday of March, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society, and for the distribution of the moneys appropriated for the promotion of agriculture," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to legalize the proceedings of the annual town meeting of the town of Ontario, Wayne county, held March 7, 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 386 of the Laws of 1875, entitled 'An act to further amend the charter of the village of Delhi,' passed May 17, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to legalize the official acts of Frank B. Clark, a justice of the peace of the town of Prattsburgh, in the county of Steuben, and to allow him to take and file his oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act empowering the village of Wellsville to raise by tax a fund for the building of sidewalks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,' passed May 20, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend an act to regulate the sale of illuminating gas manufactured by the Equity Gas-light Company of the eastern district of the city of Brooklyn, and to authorize the laying of mains and conductors in certain wards of said city, passed April 9, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend chapter 281 of the Laws of 1874, entitled An act to amend an act entitled An act to amend an act entitled An act to legalize the State and county taxes in the county of Rensselaer, for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy, for unpaid State and county taxes, passed April 10, 1860; and to provide for all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer, in

the city of Troy, and be subject to redemption and conveyance, passed April 2, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 68 of the Laws of 1876, entitled 'An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county,' passed March 17, 1876," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading and printed.

"An act in relation to the city court of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 328 of the Laws of 1866, entitled 'An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain land in the said county of Essex for that purpose,' and the act amending the same, passed April 12, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to legalize the acts of Amasa Stanton, justice of the peace, of the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act supplementary to the act entitled An act to incorporate the Hebrew Benevolent Society of the city of New York, passed February 2, 1832,' passed April 12, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act for the protection and propagation of fish in the waters of Tonawanda creek, in Genesee county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 438 of the Laws of 1862, entitled 'An act to provide for the formation of societies for the prevention of horse stealing,' passed April 22, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to confirm and legalize the acts of Gabriel S. Corwin as notary public of the county of Genesee, since March 30, in the year of our Lord 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act regulating the deposit of securities by plate-glass insurance companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Moore offered the following:



*Resolved* (if the Assembly concur), That the Clerk of the Assembly be and is hereby directed to procure, bound in the usual style, 3,000 copies of the annual transactions of the State Agricultural Society, to make one volume of not exceeding 800 pages, and distribute the books as follows: 1,000 to the members of the Legislature; 1,000 to the county and town agricultural societies, and 1,000 for the use of the State society, provided that the cost of such books shall not exceed \$1.10 per volume.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

Mr. Gerard moved to amend by striking out the words "six hundred pages," and inserting the words "three hundred pages," and by striking out the words "one dollar and ten cents," and inserting the words "sixty cents."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Vedder moved to amend by inserting after the words "clerk of the," the words "Senate and."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Moore moved to amend by inserting after the word "society," the words "for the years 1872, 1873, 1874 and 1875."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved to amend by inserting after the words "three thousand copies," the words "in the aggregate."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Schoonmaker moved to amend by inserting after the words "State Agricultural Society," the words "and the county agricultural societies."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Rogers moved to amend by inserting after the words "be and," the words "they are," and after the word "procure" the words "to be printed and."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Rogers moved that said resolution be referred to the committee on public printing.

Mr. Woodin moved to amend by striking out "public printing," and inserting "judiciary."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Rogers, as amended, and it was decided in the affirmative.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act to define and limit the powers of foreign corporations as to real property in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Morrissey asked and obtained leave to introduce a bill entitled "An act to amend chapter 403 of the Laws of 1874, entitled 'An act to confirm and validate the consolidation of the

corporations known as the Congregation Bikur Cholim Ukadisha and the Congregation Chaari Zedek into one corporation, under the name of the Congregation Chaari Zedek of New York, and incorporate the Chaari Zedek Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act in relation to the quarantine of the port of New York, and to make the same self-sustaining," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

On motion of Mr. Moore, the Senate adjourned.

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### FRIDAY, APRIL 21, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Rogers presented petitions of teachers of Aurora academy, and of the board of education of the Hamburg Free School and Academy, Erie county, favoring teachers' classes in academies; which were read and referred to the committee on literature.

Messrs. Doolittle and Starbuck presented petitions of citizens of Fulton, Oswego county, and trustees of Ives Seminary, Jefferson county, upon the same subject; which were read and referred to the committee on literature.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enlarge the powers of boards of supervisors, and of committees thereof," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the powers of boards of supervisors," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relative to lands held in trust by Charles H. Holden, for the benefit of Harriet Perry and certain of her descendants," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Josiah Sullivan," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal chapter 514 of the

Laws of 1875, entitled 'An act to provide for the election of police justices in villages,' passed June 7, 1875, so far as it relates to the county of Greene," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Cornelius Flynn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the concurrent resolution proposing an amendment to section 6 article 6, of the Constitution, relative to the number of justices of the supreme court, and the districts in which they shall be elected, reported that they have had the same under consideration, and have amended the same so as to read as follows:

*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution be amended so that it shall read as follows:

§ 6. There shall be one existing supreme court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with two additional justices, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, six in the second judicial district, five in the third judicial district and four in each of the other districts. The Legislature may alter the districts without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment to said section 6 be referred to the Legislature to be chosen at the next general election of Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Said concurrent resolution was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable the records of the signal service department of the United States to be received and read in evidence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to judgments entered upon forfeited recognizances in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Patrick McCabe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 348 of the Laws of 1860, as amended by chapter 600 of the Laws of 1874, entitled 'An act to amend an act entitled An act to convey to creditors a just division of the estates of debtors who convey to assignees for the bene-

fit of creditors, passed April 13, 1860,' passed June 4, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend subdivision 1 of section 9 of article 2, title 4, chapter 6, part 1 of the Revised Statutes, in relation to elections and ballots," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," reported adversely thereto, which report was agreed to and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to authorize the transfer of the property of the New York Seamen's Association to the American Seamen's Friend Society, and to dissolve said New York Seamen's Association," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act in relation to the Foundling Asylum of the Sisters of Charity in the city of New York," reported in favor of the passage of the same (Mr. Wellman, dissenting), and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,' passed June 21, 1875," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed May 11, 1869," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 856 of the Laws of 1869, entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,'" and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act for the protection and prop-

agation of fish in the waters of Tonawanda creek, in Genesee county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act for the preservation of the public peace, the protection of private property, the maintenance of law and good order in the town of Greenburgh, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the supervisor of the town of Genesee, to insure the Genesee Normal and Training School," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 386 of Laws of 1875, entitled 'An act to further amend the charter of the village of Delhi,' passed May 17, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Avon,' passed April 22, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act empowering the village of Wellsville to raise by tax a fund for the building of sidewalks," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a report of the Canal Commissioners in response to a resolution of the Senate, relative to the canals of this State.

Mr. Schoonmaker moved that said communication be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 74.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein.'"

"An act to legalize the official acts of Glen Cuyler as notary public."

"An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn."

"An act to confirm the conveyance of certain real estate formerly owned by the First Associate Presbyterian Congregation of the village of Williamsburgh."

"An act to extend the time for the completion of certain parts of the Rome street railroad."

"An act extending the powers of the trustees of the village of Canandaigua."

"An act to legalize and confirm the official acts of Elijah Clark, a justice of the peace, in the town of De Witt, in the county of Onondaga, and to enable him to take and file his oath of office."

"An act to establish the Buffalo justices' court."

"An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer.'"

"An act to amend chapter 209 of the Laws of 1871, entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871."

Mr. Carpenter moved that the bill entitled "An act to amend chapter 761 of the Laws of 1866, entitled 'An act authorizing the taxation of stockholders of banks, and the surplus of savings banks,'" be made a special order to-day, immediately after the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin moved that the bill entitled "An act to provide for the correction and equalization of taxes and assessments," be made a special order to-day, immediately after the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to enable the presidents, directors and companies of the Albany and Greene, Catskill and Mountain and Susquehanna turnpike roads to abandon parts of their roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act authorizing the payment of William C. Stead for services as post-office messenger of the Senate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to amend an

act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush, passed March 22, 1854, and April 29, 1863,' passed April 25, 1871," and the same was ordered to a third reading.

On motion of Mr. Doolittle, and by unanimous consent, the Assembly bill entitled "An act to amend chapter 88 of the Laws of 1876, entitled 'An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county,' passed March 17, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Selkreg
Bradley	Harris	Prince	Starbuck
Cole	Kennaday	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin
Emerson	Moore		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to extend the time for the completion of certain parts of the Rome street railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Schoonmaker
Carpenter	Harris	Prince	Selkreg
Cole	Jacobs	Robertson	Starbuck
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy	St. John	Wellman
Emerson			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the conveyance of certain real estate formerly owned by the First Associate Presbyterian Congregation of the village of Williamsburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baden	Doolittle	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Loomis	Rogers	Wellman
Coleman	McCarthy	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the maintenance, support and government of the poor in Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Sayre
Bixby	Jacobs	Prince	Selkreg
Carpenter	Kennaday	Robertson	Starbuck
Cole	Loomis	Rogers	Wellman
Coleman	McCarthy	St. John	Woodin
Gerard	Moore		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the official acts of Glen Cuyler as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Gerard	Moore	Sayre
Carpenter	Jacobs	Morrissey	Starbuck
Cole	Kennaday	Prince	Wellman
Coleman	Loomis	Robertson	Woodin
Doolittle			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 209 of the Laws of 1871, entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin
Emerson			

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance com-



panies not organized under the laws of the State of New York, but doing business therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Robertson
Bixby	Gerard	McCarthy	St. John
Carpenter	Harris	Moore	Schoonmaker
Cole	Jacobs	Morrissey	Selkreg
Coleman	Kennaday	Prince	Wellman
Doolittle			

21

## FOR THE NEGATIVE.

Starbuck

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the official acts of Elijah Clark, a justice of the peace in the town of De Witt, in the county of Onondaga, and to enable him to take and file his oath of office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the election of school commissioners in the city of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same,

The Assembly bill entitled "An act to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Schoonmaker
Bixby	Jacobs	Robertson	Selkreg
Carpenter	Kennaday	Rogers	Starbuck
Cole	Loomis	St. John	Vedder
Coleman	McCarthy	Sayre	Wellman
Gerard	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act extending the powers of the trustees of the village of Canandaigua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John
Bixby	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Coleman	Kennaday	Robertson	Starbuck
Doolittle	Loomis	Rogers	Wellman
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to establish the Buffalo justices' court," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Rogers
Bixby	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Schoonmaker
Carpenter	Harris	Prince	Vedder
Coleman	Kennaday	Robertson	Wellman

20

## FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York." was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Carpenter	Hammond	Prince	Selkreg
Cole	Harris	Robertson	Vedder
Coleman	Kennaday	Rogers	Wellman
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn," having been announced for a third reading,

On motion of Mr Jacobs, and by unanimous consent, said bill was amended as follows:

Insert as section 3:

§ 3. The Legislature may at any time alter, modify or repeal this act, and all leases and contracts for the use of said avenue shall be subject to such modifications or alterations in said avenue, and the improvement thereof as the Legislature may prescribe.

Change section 3 to section 4.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Harris	Prince	Selkreg
Bradley	Jacobs	Robertson	Wellman
Carpenter	Kennaday	Rogers	Woodin
Doolittle	Loomis	St. John	

19

## FOR THE NEGATIVE.

Moore	Sayre
-------	-------

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the supervisor of the town of Oyster Bay, county of Queens, and State of New York, to convey the right, title and interest of said town to a piece of land near Brookville, in said town, which has been used and occupied as the site of a school house since 1827," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Carpenter	Harris	Prince	Selkreg
Cole	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin.

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Booth	Hammond	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder

Coleman  
DoolittleKennaday  
Loomis

St. John

Wellman

26

## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act amending and revising and consolidating the several acts in relation to the village of Greenbush,' passed March 22, 1854, and April 29, 1863," passed April 25, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Cole  
Coleman  
Doolittle  
EmersonGerard  
Harris  
Jacobs  
Loomis  
McCarthy  
MooreMorrissey  
Prince  
Rogers  
St. John  
Sayre  
SchoonmakerSelkreg  
Starbuck  
Tobey  
Vedder  
Wellman  
Woodin

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relating to courts, officers of justice and civil proceedings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby  
Booth  
Bradley  
Cole  
Coleman  
DoolittleEmerson  
Gerard  
Hammond  
Jacobs  
Kennaday  
LoomisMoore  
Prince  
Robertson  
Rogers  
St. John  
SayreSchoonmaker  
Starbuck  
Tobey  
Vedder  
Wellman  
Woodin

24

## FOR THE NEGATIVE.

Harris

McCarthy

Selkreg

3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice and civil proceedings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Schoonmaker
Bixby	Gerard	Robertson	Starbuck
Bradley	Hammond	Rogers	Tobey
Carpenter	Jacobs	St. John	Wellman
Coleman	Kennaday	Sayre	Woodin
Doolittle	Loomis		

22

FOR THE NEGATIVE.

Harris	Selkreg	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act to amend chapter 761 of the Laws of 1866, entitled 'An act authorizing the taxation of stockholders of banks, and the surplus of savings banks.'"

"An act to provide for the correction and equalization of taxes and assessments."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported that they have had the first named bill under consideration, and have substituted therefor the second named bill, with amendments, being Senate bill No. 266, entitled "An act to provide for the correction and equalization of taxes and assessments," which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Hammond moved that said bill be printed, pending its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday offered the following:

*Resolved*, That when the Senate adjourns it be to meet on Monday evening next, at half-past seven o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Carpenter	Hammond	Morrissey	Selkreg
Doolittle	Kennaday	Rogers	Vedder

16

FOR THE NEGATIVE.

Booth	Coleman	Prince	Starbuck
Bradley	Harris	Robertson	Wellman
Cole	Jacobs	St. John	Woodin

12

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the new Capitol Commissioners report to the Legislature, within one week from the passage of this resolution: 1st. The names of all persons employed upon the new capitol since September 30, 1874; the kind or nature of the labor performed; the amount or sum of money paid to each, respectively, for such labor or services; the date of such payments, and the length of time each of such persons were so employed. 2d. The names of all persons who have during said time furnished materials for such new capitol; the quantity and nature of the materials furnished by each person respectively; the price paid to each and the aggregate amount paid to each, respectively, for such materials so furnished; the dates of payment and the dates when such materials were furnished. 3d. The names of all superintendents, architects, clerks, messengers or other employes (not included in the first inquiry above) who, during said time, have received or are entitled to receive compensation for services out of the moneys appropriated for the purposes of the construction of such new capitol; the amount paid to each, respectively, or to which each is entitled; when employed and the length of time employed, whether by the day, month or year. 4th. All other expenditures during said time paid or to be paid out of moneys appropriated for the purposes of the construction of such new capitol; the names of the persons to whom paid or who are entitled to pay out of said moneys; the amounts paid or to be paid to each respectively; and the purposes for which such expenditures have been incurred or payments have been made.

*Ordered*, That said resolution be laid upon the table.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the Legislature adjourn *sine die* on Wednesday, May 3, 1876, at noon.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the bill entitled "An act to amend chapter 36 of the Laws of 1873, entitled 'An act to provide for a supply of water in the city of Yonkers,' passed February 28, 1873," with a message that they had non-concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 163 of the Laws of 1873, entitled 'An act to organize and establish a police for the city of Yonkers.'"

"An act relating to the appointment and duties of engineers employed on the canals of this State."

"An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873.'"

"An act to amend chapter 333 of the Laws of 1872, entitled 'An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25 in Franklin county.'"

"An act to amend the Revised Statutes, in relation to laying out public roads and the alteration thereof."

"An act to reappropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal."

"An act in relation to arrears of taxes in the city of New York."

*Ordered*, that the Clerk return said bills to the Assembly.

The Assembly sent for concurrence a resolution in the words following.

*Whereas*, The decision of the Supreme Court of the United States renders inoperative and void the laws of this State heretofore enacted for the protection of emigrants and the prevention of their becoming a charge upon any city, town or county of this State within five years from their landing at the port of New York, on the ground that such laws are in violation of the Constitution, and that the power to legislate on this subject is exclusively in the Federal congress; and

*Whereas*, The importance of the subject demands immediate attention; therefore,

*Resolved* (if the Senate concur), That our senators and representatives in congress be requested to use their influence to secure, without delay, the legislation necessary and requisite, as well for the protection of the emigrants as for the security of the cities, towns and counties of this State.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting the return, for amendment, of Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed May 2, 1834, incorporating the village of Camden, as amended by chapter 54 of the Laws of 1804.'"

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the concurrent resolution extending the time for the commission appointed to devise a plan for the government of cities to report, until the opening of the next session of the Legislature.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same:

"An act to amend chapter 497 of the Laws of 1874, entitled 'An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city.'"

"An act to legalize the official acts of David J. Carver as notary public."

"An act to amend chapter 107 of the Laws of 1867, entitled 'An act to incorporate the village of Palatine Bridge.'"

"An act further to amend chapter 446 of the Laws of 1874, entitled 'An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy.'"

"An act to amend chapter 173 of the Laws of 1875, entitled 'An act to provide for the better care of pauper and destitute children.'"



"An act to amend chapter 463 of the Laws of 1875, entitled 'An act to amend an act entitled An act to revise the charter of the city of Auburn.'"

"An act to authorize the city of Elmira to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society, and for the distribution of the moneys appropriated for the promotion of agriculture," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society," and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to regulate voting in the Western New York Agricultural Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Moore, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to repeal chapter 238 of the Laws of 1860, entitled 'An act to amend section 4, chapter 425, in relation to agricultural and horticultural purposes,' passed April 13, 1855," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to consolidate the corporations entitled The Proprietors of the Long Wharf at Sag Harbor, and the Sag Harbor Wharf Company, and relating to the franchises and property thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the bill entitled, "An act to legalize certain acts relative to the organization of school district No. 10 of the town of Newtown, Queens county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 129 of the Laws of 1856, entitled 'An act in relation to school district No. 6 in the town of Lyons, Wayne county,' passed April 7, 1866, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to amend chapter 403 of the Laws of 1874, entitled 'An act to confirm and validate the consolidation of the corporation known as the Congregation Bikur Cholim Ukadisha, and the Congregation Chaari Zedek into one corporation, under the name of the Congregation Chaari Zedek of New York, and incorporate the

Chaari Zedek Cemetery Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 512 of the Laws of 1875, entitled 'An act to facilitate the forming of agricultural and horticultural societies, passed April 13, 1855,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 425 of the Laws of 1855, entitled 'An act to facilitate the forming of agricultural and horticultural societies,'" and said bill was committed to the committee of the whole.

Mr. Starbuck offered the following:

*Resolved*, That the report of the Canal Investigating Commission, including the testimony, be taken from the table and ordered to be printed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

(See Doc. No. .)

Mr. Baaden, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the appointment of commissioners to settle claims relating to buildings leased for armories and drill rooms in the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to provide for the appointment of the arbitrator of the court of arbitration of the Chamber of Commerce of the State of New York, to examine and determine all claims for rent of buildings for armories and drill rooms in the city of New York, under a lease or leases, or otherwise, and to provide for payment of such claims" (Messrs. Woodin and Morrissey dissenting), and said bill was committed to the committee of the whole.

On motion of Mr. Doolittle, the Senate adjourned.

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## MONDAY, APRIL 24, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of Friday, April 21st, was read and approved.

Messrs. Coleman, Sayre and McCarthy presented petitions relative to teachers' classes in academies; which were read and referred to the committee on literature.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Amasa Stanton, justice of the peace of the county of Wayne," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the city court of Yonkers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of Frank L. Clark, a justice of the peace of the town of Prattsburgh, in

the county of Steuben, and to allow him to take and file his oath of office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and legalize the acts of Gabriel S. Corwin, as notary public of the county of Genesee, since March 30th, in the year of our Lord, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the boards of supervisors of the several counties of this State to work and otherwise improve public highways of not less than 210 feet in width, which have been opened by authority of the Legislature of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 328 of the Laws of 1866, entitled 'An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex, for that purpose,' and the act amending the same, passed April 12, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to repeal title 6 of chapter 505 of the Laws of 1873, entitled 'An act to reorganize the village of Gloversville,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal chapter 468, Laws of 1864, entitled 'An act to extend and continue and amend the act entitled 'An act to create a special highway district in the town of Elizabethtown, Essex county,' passed May 12, 1869,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the supervisor and railroad commissioner of the town of Otego, in the county of Otsego, to pay over and dispose of certain moneys in the hands of said railroad commissioners, arising out of the sale of the railroad stock of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 56 of the Laws of 1871, entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the Western New York Institution for Deaf Mutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend an act entitled 'An act to authorize the levying of a tax upon the town of Gouverneur in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary,' passed April 23, 1869, and to amend chapter 117 of the Laws of 1871, and chapter 355 of the Laws of 1871, amendatory of said act; and to extend the time of payment of the bonds of the said town of Gouverneur issued for the benefit of said seminary, pursuant to said act, and the act amending the same, and for the issue of new bonds in lieu of those now existing against said town in favor of said seminary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 52 of the Laws of 1875, entitled 'An act to provide for the discharge of judgments against persons discharged under the United States bankrupt law,' passed March 20, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," which read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the United States deposit fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the commissioners of the town of Berkshire, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the common council of the city of Syracuse to appropriate and expend five thousand dollars towards the expense of celebrating the fourth day of July, 1876," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was committed to the committee of the whole.

"An act to confirm and legalize the acts of David Day 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888 of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to abolish the office of railroad commissioner of the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 587 of the Laws of 1872, entitled 'An act to authorize the appointment of assistant district attorneys in certain counties in this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 234 of the Laws of 1834, entitled 'An act to incorporate the Peekskill academy,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson, passed May 1, 1872, passed May 21, 1873,' and to repeal chapter 501 of the Laws of 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the election of a police justice in the town of Watervliet, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act granting the right of way for the purpose of laying out a public highway over lands belonging to the State of New York, situated on the west shore of Lake Keuka, in the town of Jerusalem, in the county of Yates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Harris asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish and maintain a police force in the city of Cohoes,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Selkreg moved that the bill entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to prevent fraud in the manufacture and sale of commercial fertilizers."

"An act to regulate investments by fire insurance companies."

Assembly, "An act to amend an act entitled 'An act to renew the charter of the state road from the Orange turnpike to Nyack, in the county of Rockland,' as passed April 20, 1830, as renewed June 18, 1853."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported progress on the first, named bill, and asked and obtained leave to sit again.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to certain highways in the city of Yonkers and town of East Chester, in the county of Westchester."

"An act to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city, and repairing the firemen's hall building therein."

"An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January 1, 1874, was part of joint union school district No. 2 of the town of West Farms, for school property taken by the city of New York."

After some time spent therein the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the commissioners of the canal fund to hear and determine the claims of the State against the county of Monroe, arising out of the defalcations of the late treasurer of said county."

"An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State."

"An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the said named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the treasurer of Monroe county to collect certain taxes."

Assembly, "An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the county of Ulster."

"An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester.'"

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the city of Elmira.'"

Assembly, "An act to fix the time for filling in and improving the lands between high and low-water mark, on the easterly shore of the Harlem river."

Assembly, "An act to amend an act entitled 'An act to amend the charter of the village of Canajoharie,' passed April 21, 1841, and to repeal part of an act entitled 'An act to incorporate the village of Canajoharie,' passed April 30, 1829."

After some time spent therein, the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Schoonmaker, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Wagner moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Rogers, the Senate adjourned.

## TUESDAY, APRIL 25, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Bixby presented a remonstrance of merchants of New York against construction of a bridge across the Hudson river, at Fishkill; which was read and referred to the committee on railroads.

Mr. Sayre presented a petition of the common council of the city of Utica, for the passage of the act authorizing the paving of Baggs' square; which was read and referred to the committee on the affairs of cities.

Mr. Loomis presented a petition of citizens of Afton, Chenango county, relative to teachers' classes in academies; which was read and referred to the committee on literature.

Mr. Bradley presented a petition of shippers, boatmen and lumbermen, relative to Chemung canal; which was read and referred to the committee on canals.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to abolish the office of railroad commissioner in the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act authorizing the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain surplus moneys in the hands of said railroad commissioners, arising out of the sale of the railroad stock of said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act granting the right of way for the laying out a public highway over lands belonging to the State of New York, situate on the west shore of Lake Keuka, in the town of Jerusalem, in the county of Yates," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 468 of the Laws of 1874, entitled 'An act to extend and continue and amend the act entitled An act to create a special highway district in the town of Elizabethtown, Essex county,' passed May 12, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message was received from his Excellency the Governor, in the words following:



STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 21, 1876. }

*To the Senate:*

In compliance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 34, entitled "An act changing the name of the Utica and Black River Railroad Company, and conferring its powers and franchises upon the company under the new title."

SAMUEL J. TILDEN.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bradley	Gerard	McCarthy	Sayre
Carpenter	Harris	Moore	Schoonmaker
Cole	Jacobs	Morrissey	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Woodin
Emerson			

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On motion of Mr. Sayre, and by unanimous consent, said bill was amended as follows:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. Section 1 of chapter 322 of the Laws of 1870, entitled "An act to authorize corporations to change their names," is hereby amended so as to read as follows:

"Section 1. Any incorporation, incorporated company, society or association, organized under the laws of this State, excepting banks, banking associations, trust companies, life, health, accident, marine and fire insurance companies, may apply at any special term of the Supreme Court, sitting in the county in which shall be situated its chief business office, for an order to authorize it to assume another corporate name."

§ 2. This act shall take effect immediately.

Amend the title so as to read: "An act further to amend chapter 322 of the Laws of 1870, entitled 'An act to authorize corporations to change their names.'"

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Starbuck
Bradley	Gerard	Morrissey	Tobey
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	Sayre	Wellman
Coleman	Lamont	Schoonmaker	Woodin
Doolittle	Loomis	Selkreg	

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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State."

"An act to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city, and repairing the firemen's hall building therein."

"An act authorizing the commissioners of the canal fund to hear and determine the claims of the State against the county of Monroe, arising out of the defalcations of the late treasurer of said county."

"An act to provide for the correction and equalization of taxes and assessments."

"An act to regulate investments by fire insurance companies."

"An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January 1, 1874, was part of joint union school district No. 2 of the town of West Farms, for school property taken by the city of New York."

"An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester.'"

Mr. Moore moved to take from the table the bill entitled "An act to amend chapter 135 of the Laws of 1875, entitled 'An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 380 of the Laws of 1871."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Moore, and by unanimous consent, said bill was amended as follows:

Section 1, line 8, strike out the word "any." Same section, line 9, after the word "court," insert "or otherwise."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Gerard	Morrissey	Tobey
Bradley	Jacobs	Robertson	Wagner
Carpenter	Lamont	St. John	Wellman
Cole	Loomis	Schoonmaker	Woodin
Coleman	McCarthy		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Moore moved to take from the table the bill entitled "An act to amend chapter 180 of the Laws of 1868, entitled "An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for

improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Moore, said bill was amended as follows:

Section 1, line 52, strike out the word "by," and insert the word "to."

Same section, strike out all after the word "act," in line 53, down to and including the word "one," in line 57, and insert the following:

"All appeals now pending before the county court of St. Lawrence county shall be heard by said court, and the court shall have power to adjourn the hearing of the same from time to time, in its discretion, but not beyond the first day of October next."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Bixby	Emerson	McCarthy	Vedder
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Robertson	Wellman
Cole	Jacobs	St. John	Woodin
Coleman	Lamont	Sayre	

28

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein, as amended.

Mr. Woodin moved that the Assembly bill entitled "An act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue, from Prospect park in the city of Brooklyn, toward Coney Island, in the county of Kings,'" be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to reduce the expenses of judicial sales in the county of Kings," and that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica,'" with a message that they had concurred in the passage of the same, with the following amendment:

Add at the end of section 3 the following: "But shall be appropriated only to the purchase or repair of other personal property, held by or required for the use of the fire department. And no sale of such property shall be made, except by auction to the highest bidder, after at least ten days' notice of such sale shall have been published in the official papers of the said city."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Schoonmaker
Bixby	Doolittle	McCarthy	Starbuck
Booth	Emerson	Morrissey	Vedder
Bradley	Gerard	Robertson	Wagner
Carpenter	Harris	St. John	Wellman
Cole	Jacobs	Sayre	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence the bills entitled as follows :

"An act additional to chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn, passed May 6, 1870,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to legalize the action of the justices of the peace and town clerk of the town of Westport, in the county of Essex, in holding their annual town meeting in 1876, at the armory in the village of Westport," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to reduce the expenses of judicial sales in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act relating to courts, officers of justice and civil proceedings."

*Ordered,* That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to authorize corporations to change their names,' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to repeal chapter 468 of the Laws of 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to regulate proceedings in certain causes in the courts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sayre asked and obtained leave to introduce a bill entitled "An act to authorize the repaving of Baggs' square, in the city of Utica, and to levy and collect the expense thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Schoonmaker asked and obtained leave to introduce a bill entitled "An act to authorize the Comptroller to audit and allow certain accounts for supplies furnished to the State prisons,"

which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Wellman, from the committee on prisons, to which was referred the bill entitled "An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act extending to corporations located in and organized under the laws of other States, certain rights and powers now possessed by similar corporations of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Starbuck
Bixby	Gerard	Rogers	Tobey
Booth	Harris	St. John	Wagner
Bradley	Jacobs	Schoonmaker	Wellman
Cole	McCarthy	Selkreg	Woodin
Coleman	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city and repairing the firemen's hall building therein," having been announced for a third reading,

On motion of Mr. Selkreg, and by unanimous consent, said bill was amended as follows :

§ 2. Strike out all of the section after the word "hall," in line 12, and insert as follows : "Inspectors of such special election shall be appointed, such election shall be conducted, and the certificate thereof be laid before the common council and recorded in the same manner as is provided by law, with reference to special elections in said city, except as otherwise herein provided. And all false swearing and fraudulent voting shall be punishable in the manner now provided by law for the like offenses at special elections in said city."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Bixby	Gerard	Morrissey	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Wagner

Cole  
Coleman  
Doolittle

Lamont  
Loomis

St. John  
Schoonmaker

Wellman  
Woodin

25

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act authorizing the Commissioners of the Canal Fund to hear and determine the claims of the State against the county of Monroe, arising out of the defalcations of the late treasurer of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baden	Emerson	Loomis	Schoonmaker
Bixby	Gerard	McCarthy	Tobey
Bradley	Hammond	Morrissey	Vedder
Cole	Harris	Robertson	Wagner
Coleman	Jacobs	Rogers	Wellman
Doolittle	Lamont	St. John	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the correction and equalization of taxes and assessments," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows :

Section 1, add, after the word "direct," in line 18, the following :

"The court allowing such writ may prescribe the time within which a return shall be made thereto, which shall not be more than twenty days, but may extend such time for cause. Returns to writs under this act shall be filed in the clerk's office of the county in which the officers are officially located."

On motion of Mr. Woodin, and by unanimous consent, said bill was further amended as follows :

Add, at end of the amendment of Mr. Schoonmaker :

"Pending the review of any assessment, as herein provided for, or pending any proceeding for the correction of any alleged illegal or erroneous assessments, the collection of any tax or any portion thereof, as against the party or parties seeking such review or contesting its legality or correction, may be suspended by the execution and delivery to the collector or receiver of taxes of a bond, with satisfactory sureties, to be approved by a county judge, or any justice of the Supreme Court, conditioned for the payment to the proper authority of such portion of said unpaid tax as shall finally be adjudged to be just, lawful and correct, and also conditioned for the payment, in case any assessment complained of shall be fully sustained by such final judgment, of interest on such suspended tax at the rate of twelve per cent per annum."

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was further amended as follows :

Add, at end of section 1 : "The court shall have power to punish as for a contempt any disobedience to any order or judgment made under the provisions of this act, in respect to the assessments reviewed."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Morrissey	Selkreg
Bixby	Doolittle	Prince	Tobey
Booth	Gerard	Robertson	Wagner
Bradley	Harris	St. John	Wellman
Carpenter	Loomis	Sayre	Woodin
Cole	McCarthy	Schoonmaker	

23

FOR THE NEGATIVE.

Emerson	Moore	Starbuck	Vedder
Hammond	Rogers		

6

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January 1, 1874, was part of joint union school district No. 2, of the town of West Farms, for school property taken by the city of New York," was read a time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Morrissey	Selkreg
Bradley	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore	Schoonmaker	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the treasurer of Monroe county to collect certain taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Morrissey	Tobey
Carpenter	Harris	Prince	Vedder
Cole	Jacobs	Robertson	Wagner
Coleman	Loomis	St. John	Wellman

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 370 of the Laws of 1875, entitled 'An act to amend and consolidate the several laws relating to the city of Elmira,'" having been announced for a third reading,

Mr. Bradley moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the first section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Schoonmaker
Emerson	Lamont	Rogers	Starbuck
Gerard	Loomis	St. John	

11

## FOR THE NEGATIVE.

Baaden	Harris	Robertson	Vedder
Booth	McCarthy	Sayre	Wagner
Cole	Moore	Selkreg	Wellman
Coleman	Prince	Tobey	Woodin
Doolittle			

17

Mr. Bradley moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows:

Section 1, line 5, printed bill, after the word "act," insert as follows: "Whenever a vacancy shall occur in such office by expiration of term or otherwise."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Jacobs	Morrissey	Schoonmaker
Gerard	Loomis	St. John	Starbuck

8

## FOR THE NEGATIVE.

Baaden	Emerson	Robertson	Vedder
Booth	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Tobey	Woodin
Doolittle	Prince		

18

Mr. Bradley moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the second section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Robertson	Vedder
Booth	Harris	Sayre	Wagner
Cole	McCarthy	Selkreg	Wellman
Coleman	Moore	Tobey	Woodin
Doolittle	Prince		

18



## FOR THE NEGATIVE.

Bradley	Lamont	Rogers	Schoonmaker	10
Gerard	Loomis	St. John	Starbuck	
Jacobs	Morrissey			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act further to amend chapter 320 of the Laws of 1872, entitled 'An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck	24
Booth	Harris	Robertson	Tobey	
Bradley	Lamont	Rogers	Vedder	
Cole	Loomis	St. John	Wagner	
Doolittle	McCarthy	Sayre	Wellman	
Emerson	Moore	Selkreg	Woodin	

## FOR THE NEGATIVE.

Jacobs	1
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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to renew the charter of the State road from the Orange turnpike to Nyack, in the county of Rockland, as passed April 20, 1830, as renewed June 18, 1853,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker	26
Bixby	Emerson	Moore	Selkreg	
Booth	Gerard	Robertson	Tobey	
Bradley	Harris	Rogers	Wagner	
Carpenter	Jacobs	St. John	Wellman	
Cole	Lamont	Sayre	Woodin	
Coleman	Loomis			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Canajoharie,' passed April 21, 1841, and to repeal part of an act entitled 'An act to incorporate the village of Canajoharie,' passed April 30, 1829," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Moore	Tobey
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	Jacobs	St. John	Wellman
Coleman	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to regulate investments by fire insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Coleman	St. John	Starbuck	Tobey
Emerson			

5

## FOR THE NEGATIVE.

Baaden	Gerard	Robertson	Vedder
Bixby	Harris	Sayre	Wagner
Carpenter	Lamont	Schoonmaker	Wellman
Cole	Loomis	Selkreg	Woodin
Doolittle	McCarthy		

18

The Assembly bill entitled "An act to legalize the action of the justices of the peace and town clerk of the town of Westport, in the county of Essex, in holding their annual town meeting in 1876, at the armory, in the village of Westport," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Emerson	Robertson	Selkreg
Bradley	Gerard	Rogers	Tobey
Carpenter	Harris	St. John	Wagner
Cole	Lamont	Sayre	Wellman
Coleman	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to certain highways in the city of Yonkers and town of East Chester, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker
Bixby	Emerson	Robertson	Selkreg
Bradley	Gerard	Rogers	Wagner
Carpenter	Harris	St. John	Wellman
Cole	Lamont	Sayre	Woodin
Coleman	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to fix the time for filling in and improving the lands between high and low-water mark, on the easterly shore of the Harlem river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Gerard	Robertson	Vedder
Bradley	Harris	Rogers	Wagner
Carpenter	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy	Schoonmaker	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting the return of Assembly bill No. 136, entitled "An act in relation to arrears of taxes in the city of New York," for amendment.

On motion of Mr. Booth, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson offered the following :

*Resolved*, That a respectful message be sent to the Assembly, requesting the return to the Senate of Assembly bill entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson called for the consideration of the resolution in the words following :

*Resolved* (if the Senate concur), That the Legislature adjourn *sine die* on Wednesday, May 3, 1876, at noon.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Robertson	Tobey
Bradley	Lamont	Rogers	Vedder
Carpenter	Loomis	St. John	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Schoonmaker	Woodin
Gerard	Prince		

22

## FOR THE NEGATIVE.

Baaden	Doolittle	Emerson	Selkreg
Booth			

5

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson offered the following:

*Resolved*, That a respectful message be sent to the Assembly, requesting the return to the Senate of Assembly bill No. 422, entitled "An act to facilitate the assessment of lands of non-resident owners in the several towns of this State."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Gerard moved to take from the table the resolutions in the words following:

*Resolved*, That during the remainder of the present session of the Senate, on all questions arising under the head of motions and resolutions, remarks of Senators shall be limited to a period of ten minutes respectively.

*Resolved*, That the above resolution have the force of a rule of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harris moved to amend by striking out the words "the head of motions and resolutions," and inserting the words "all orders of business;" and striking out "ten minutes," and inserting "five minutes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 184 of the Code of Procedure," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to enable the presidents, directors and companies of the Albany and Greene, Catskill and Mountain, and Susque-

hanna turnpike roads to abandon parts of their roads," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to highways in the village of Catskill, in the county of Greene," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for submitting amendments to the Constitution to the electors of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 510 of the Laws of 1870, entitled 'An act to authorize the Rondout and Oswego Railroad Company to increase their rates of fare for the transportation of passengers.'"

"An act in relation to streets in Long Island City."

"An act to secure justice and fair dealing between the local government of the city of New York, its officers and agents, and those who may furnish services, labor or material for the same."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Gerard, from the same committee, reported that the committee had stricken out the enacting clause of said last named bill, which report was agreed to, and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows:

"An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York."

"An act to amend chapter 212 of the Laws of 1865."

"Concurrent resolution proposing an amendment to article 9 of the Constitution, relative to the common schools."

After some time spent therein the President resumed the chair, and Mr. Prince, from said committee, reported progress on said bills and concurrent resolution, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 463 of Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies and in relation to agencies of such companies.'"

"An act in relation to the liability of inn-keepers."

"An act to amend chapter 421 of the Laws of 1874, entitled 'An act to secure to children the benefits of an elementary education.'"

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from said committee, reported that they had substituted for the last named bill Assembly bill No. 431, entitled "An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874," with the title amended so as to read "An act to amend chapter 421 of the Laws of 1874, entitled 'An act to secure to children the benefits of an elementary education,'" which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Tobey, the Senate took a recess until half-past seven o'clock P. M.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the repairing of Baggs' square, in the city of Utica, and to levy and collect the expense thereof," reported in favor of the passage of the same.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act entitled 'An act to amend an act entitled An act to establish and maintain a police force in the city of Cohoes, passed May 6, 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the charter of the American Institute of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for a public park in the city of Lockport,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson, passed May 1, 1872,' passed May 21, 1873, and to repeal chapter 501 of the Laws of 1875," reported in favor of the passage of the same.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was recommended the Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" reported in favor of the passage of the

same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof,' passed May 17, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 56 of the Laws of 1871, entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 234 of the Laws of 1838, entitled 'An act to incorporate the Peekskill academy,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein,' passed May 28, 1875."

Assembly, "An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the out-door poor."

Assembly, "An act to amend an act entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,'"

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, with amendments, and have amended the title by inserting after the words "to amend," the words "chapter 465 of the Laws of 1865," which report was agreed to, and the same ordered to a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended by adding thereto the words "and to pay deficiencies in the salary account of the commissioners of charity," which report was agreed to, and the same ordered to a third reading.

Mr. Tobey, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 737 of the Laws of 1869, entitled 'An act to incorporate the Brooklyn Young Men's Christian Association.'"

"An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes.'"

Assembly, "An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Moore, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended by adding thereto the words "and to issue other bonds in the place thereof," which report was agreed to, and the same ordered to a third reading.

The Assembly sent for concurrence a resolution in the words following:  
*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting the return of Assembly bill No. 202, entitled "An act to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city," for amendment.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act amending chapter 837, Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 549 of the Laws of 1873, entitled 'An act to amend an act entitled An act regulating the sale of intoxicating liquors, passed April 11, 1870, and the act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857.'"

"An act to legalize the proceedings of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county."

Assembly, "An act to repeal an act entitled 'An act in relation to the performance of labor upon the highways and bridges in the towns of



Oyster Bay, Hempstead and North Hempstead, in the county of Queens,' passed May 13, 1873."

After some time spent therein, the President resumed the chair, and Mr. Booth, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Booth, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes, entitled 'Of crimes and their punishment.'"

"An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise, in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof."

Assembly, "An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, 1876, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *April 25, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed May 2, 1864, incorporating the village of Camden,' as amended by chapter 50 of the Laws of 1864."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Flanagan, and by unanimous consent, the same was amended as follows:

Strike out all after the word "act," in line 1, down to and including the word "act," in line 2. Line 5, add, after the word "fifty-four," the words "of the." In line 6, strike out the words "and shall," and insert the words "so as to." Make the same amendments in sections 2 and 3.

Amend the title by striking out the words "entitled An act to amend an act," and add after the word "fifty-four," the words "of the." Also add, at the end of title, the words "and chapter 754 of the Laws of 1857."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Moore		

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Mr. Sayre moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act regulating the deposit of securities by plate glass insurance companies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to amend chapter 231 of the Laws of 1867, entitled 'An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundary of said village.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same," with a message that they had concurred in the amendments of the Senate thereto, with the further following amendments:

• Section 1, line 1, after the name of "Louis D. Pilsbury," insert the name of "Frank H. Atkinson," and in line 7, strike out the words "five years," and insert "six years."

Line 8, after the name of "Louis D. Pilsbury," insert the name of "Frank H. Atkinson," and the words "for five years."

The President put the question whether the Senate would concur in said amendments, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Kennaday	Loomis	Starbuck
Gerard	Lamont	St. John	Vedder
Jacobs			

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## FOR THE NEGATIVE.

Booth	Doolittle	Prince	Selkreg
Carpenter	Harris	Robertson	Tobey
Cole	McCarthy	Rogers	Wagner
Coleman	Moore	Sayre	Woodin

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Mr. Bradley moved that a committee of conference be appointed on the part of the Senate, and that the Assembly be requested to appoint a like committee on their part.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Schoonmaker, Woodin and Wellman.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to encourage improvement in steam canal propulsion in this State."

Assembly, "An act to authorize a tax of three-tenths of a mill per dollar of valuation to provide for deficiency in the sinking fund under section 3 of article 7 of the Constitution."

Assembly, "An act to prevent the deposit of mud, earth, soil, ashes or refuse, in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof."

After some time spent therein the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Kennaday asked and obtained leave to introduce a bill entitled "An act to amend chapter 27 of the Laws of 1871, entitled 'An act to change the name of the Brooklyn Homœopathic Dispensary, to authorize it to sell, mortgage or lease its property, to establish and maintain a hospital, and increase the number of trustees,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cole moved that the Assembly bills entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1876, and to provide for deficiencies in former appropriations," and

"An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to prohibit catching, killing, or taking any speckled trout, bass, partridge, woodcock or quail, and selling or exposing for sale in the county of Chemung," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act for the protection of speckled trout, bass, woodcock, quail and partridge in the county of Chemung," and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 556 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for

the instruction of common school teachers, passed June 17, 1853,' passed April 13, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,'" reported in favor of the passage of the same, and said bill was committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend section 1 of chapter 44 of the Laws of 1828, entitled 'An act relative to the common school fund of the town of Edmeston, in the county of Otsego,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act to further amend the act entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,' passed April 6, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1876, and to provide for deficiencies in former appropriation."

Assembly, "An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board."

Assembly, "An act in relation to summary proceedings in the city of New York, to recover the possession of lands for non-payment of rent, and for holding over after expiration of term."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg offered the following:

*Resolved*, That the daily sessions of the Senate shall, on and after Wednesday, April 26th, commence at ten o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Rogers moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo," and that the same do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill being announced for a third reading,

Mr. Woodin moved that said bill be recommitted to the committee on canals, with instructions to strike out the words "and directed."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cole, from the committee on canals, to which was recommitted the bill entitled "An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo," reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Booth	Gerard	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Coleman	Kennaday	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Princee	Selkreg	Woodin
			20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, the Senate adjourned.

WEDNESDAY, APRIL 26, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary,' passed April 23, 1869, and to amend chapter 117 of the Laws of 1871, and chapter 355 of the Laws of 1871, amendatory of said act; and to extend the time of payment of the bonds of the said town of Gouverneur, issued for the benefit of said seminary, pursuant to said act and the act amending the same, and for the issue of new bonds in lieu of those now existing against said town in favor of said seminary," reported in favor of the passage of the same, with the title amended so as to read "An act supplementary to chapter 291 of the Laws of 1869, entitled 'An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary,'" and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the commis-

sioners of the town of Berkshire, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to repeal title 6 of chapter 505 of the Laws of 1873, entitled 'An act to re-organize the village of Gloversville,'" reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act amending chapter 337, Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873," reported the same for the consideration of the Senate.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act in relation to the Western New York Institution for Deaf Mutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,' passed May 20, 1874," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplementary to chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,'" and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act supplementary to the act entitled An act to incorporate the Hebrew Benevolent Society of the city of New York, passed February 2, 1832,' passed April 12, 1860," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 316 of the Laws of 1860, entitled 'An act supplementary to the act entitled An act to incorporate the Hebrew Benevolent Society of the city of New York, passed February 2, 1832,'" and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 438 of the Laws of 1862, entitled 'An act to provide for the formation of societies for the prevention of horse stealing,' passed April 22, 1862," reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

On motion of Mr. Kennaday, and by unanimous consent, the rules were suspended, and the committee on the judiciary was discharged from the further consideration of the bill entitled "An act to amend chapter 27 of the Laws of 1871, entitled 'An act to change the name of the Brooklyn Homœopathic Dispensary, to authorize it to sell, mortgage or lease its property, to establish and maintain a hospital, and to increase the number of trustees,'" and the same was ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee.'"

Assembly, "An act to ratify and confirm the proceedings to incorporate the Oneida Gas-light Company of Oneida, Madison county, and to legalize and confirm its acts."

Assembly, "An act to authorize and require Pardon Andrews, late collector of the town of Sardinia, in the county of Erie, to pay certain moneys, heretofore collected in pursuance of chapter 419 of the Laws of 1874, to the supervisor of the said town of Sardinia, and to provide for the disbursement of the same."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 240 of the Laws of 1847, entitled 'An act to amend the act entitled An act respecting elections other than for militia and town officers, passed April 5, 1842.'"

Assembly, "An act to amend chapter 838 of the Laws of 1866, entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes, passed February 17, 1848.'"

Assembly, "An act to extend the boundaries of the village of Niagara Falls."

After some time spent therein the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the Comptroller to audit and allow certain accounts for supplies furnished to the State prisons."

"An act in relation to the liability of inn-keepers."

"An act in relation to streets in Long Island City."

"An act to amend chapter 463 of Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to authorize the repaving of Baggs' square, in the city of Utica, and to levy and collect the expense thereof."

"An act to amend chapter 549 of the Laws of 1873, entitled 'An act to amend an act entitled An act regulating the sale of intoxicating

liquors, passed April 11, 1870, and the act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo."

"An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise, in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof."

"An act to legalize the proceedings of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county."

"An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes, entitled 'Of crimes and their punishment.'"

"An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes.'"

"An act to amend chapter 27 of the Laws of 1871, entitled 'An act to change the name of the Brooklyn Homœopathic Dispensary, to authorize it to sell, mortgage or lease its property, to establish and maintain a hospital, and to increase the number of trustees.'"

The bill entitled "An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Kennaday	Prince	Selkreg
Cole	Lamont	Robertson	Starbuck
Coleman	Loomis	Rogers	Vedder
Doolittle	McCarthy	St. John	Wagner
Gerard	Moore	Sayre	Woodin
Harris			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to extend the operation and effect of chapter 40 of the Laws of 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Kennaday	Robertson	Starbuck
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Gerard	Moore	Selkreg	Woodin
Harris			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



The bill entitled "An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof," having been announced for a third reading,

On motion of Mr. Wellman, and by unanimous consent, said bill was amended as follows:

Section 1, fill out names as follows: "John J. Harmon, Nelson R. Crandall and Roswell L. Cobb." Amend title in same particular.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Booth	Gerard	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Robertson	Selkreg
Booth	Lamont	Rogers	Wagner
Coleman	Loomis	St. John	Wellman
Gerard	McCarthy	Sayre	Woodin
Harris	Moore		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the liability of inn-keepers," having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended by inserting after the words "bar room," the words "if any."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	Rogers
Booth	Gerard	McCarthy	St. John
Bradley	Harris	Moore	Sayre

Cole  
Coleman  
Doolittle

Kennaday  
Lamont

Prince  
Robertson

Selkreg  
Woodin

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Comptroller to audit and allow certain accounts for supplies furnished to the State prisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Robertson
Booth	Gerard	McCarthy	St. John
Bradley	Harris	Moore	Sayre
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont		

18

## FOR THE NEGATIVE.

Rogers	Selkreg	Wellman	Woodin
--------	---------	---------	--------

4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the proceeding of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Kennaday	Robertson	Vedder
Carpenter	Lamont	Rogers	Wagner
Cole	Loomis	St. John	Wellman
Emerson	McCarthy	Sayre	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 13 of title 1, chapter 1 of part 4 of the Revised Statutes, entitled 'Of crimes and their punishment,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Booth	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck

Cole	Kennaday	Robertson	Wellman	24
Coleman	Lamont	Rogers	Woodin	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 549 of the Laws of 1873, entitled 'An act to amend an act entitled An act regulating the sale of intoxicating liquors, passed April 11, 1870, and the act entitled An act to suppress intemperance, and to regulate the sale of intoxicating liquors, passed April 16, 1857,'" having been announced for a third reading,

Mr. Starbuck moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act authorizing the repairing of Baggs' square, in the city of Utica, and to levy and collect the expense thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg	26
Booth	Gerard	Prince	Starbuck	
Bradley	Harris	Robertson	Vedder	
Carpenter	Kennaday	Rogers	Wagner	
Cole	Lamont	St. John	Wellman	
Coleman	Loomis	Sayre	Woodin	
Doolittle	McCarthy			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to summary proceedings in the city of New York, to recover the possession of lands for non-payment of rent, and for holding over after expiration of term," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre	25
Booth	Gerard	Moore	Selkreg	
Bradley	Harris	Prince	Starbuck	
Carpenter	Kennaday	Robertson	Vedder	
Cole	Lamont	Rogers	Wellman	
Coleman	Loomis	St. John	Woodin	
Doolittle				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to

the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein,' passed May 28, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 421 of the Laws of 1874, entitled 'An act to secure to children the benefits of an elementary education,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Starbuck
Bradley	Gerard	Robertson	Wellman
Cole	Harris	Rogers	Woodin
Coleman	Loomis		
			18

## FOR THE NEGATIVE.

Carpenter	Lamont	St. John	Selkreg
Kennaday			5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to repeal an act entitled 'An act in relation to the performance of labor upon the highways and bridges in the towns of Oyster Bay, Hempstead and North Hempstead, in the county of Queens,' passed May 13, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman

Coleman  
DoolittleLoomis  
McCarthy

Sayre

Woodin

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in the place thereof," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Booth	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Rogers	Wellman
Coleman	Lamont	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

On motion of Mr. Selkreg, and by unanimous consent, the committee of the whole was discharged from the further consideration of Assembly bills entitled "An act to authorize the commissioners of the town of Berkshire, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866," and

"An act to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act," and the same were ordered to a third reading.

The Assembly bill entitled "An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, 1876, and to provide for the payment of the principal and interest of the debt contracted under section 12 of article 7 of the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Starbuck
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Robertson	Wellman
Cole	Kennaday	Rogers	Woodin
Coleman	Lamont	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to encourage improvement in steam canal propulsion in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize a tax of three-tenths of a mill per dollar of valuation to provide for deficiency in the sinking fund, under section 3 of article 7 of the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1876, and to provide for deficiencies in former appropriation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Vedder

Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Tobey
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse, in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Booth	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Wagner
Cole	Kennaday	Rogers	Wellman
Coleman	Lamont	St. John	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson, passed May 1, 1872, passed May 21, 1873, and to repeal chapter 501 of the Laws of 1875,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to streets in Long Island City," having been announced for a third reading,

On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Section 2, line 7, printed bill, strike out the word "third," and insert "twenty-sixth." Line 24, after the word "undertaking," insert "by or on behalf of the Flushing, North Shore and Central Railroad Company."

Line 28, after the word "grade," insert "and also all filling required on West avenue, from 100 feet south of Fifth street, to 100 feet north of Sixth street, and also all filling on Fifth and Sixth streets, within 100 feet of West avenue each way." Insert as section 3 the following:

"§ 3. Whenever the commissioners, appointed by and under chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,' shall deem it necessary and for the public interests, as the improvements under their charge progress, it shall and may be lawful for said commissioners, by a unanimous vote of all the members of the board, from time to time, to alter and amend the established grade and plans for sewers, in any street or avenue or part thereof within the improvement district constituted and established by said last mentioned act, so as to meet such necessity and promote such interests, and to make and file a map or maps, showing such altered or amended grade, or such altered or amended plan for sewers; and from and after the filing of such map or maps in the office of the Secretary of State of the State of New York, and in the office of the clerk of Queens county, and in the office of the city clerk of Long Island City, the altered or amended grades, or plan for sewers, as the case may be, as shown and laid down on the map or maps by this section authorized to be filed as aforesaid, shall be the grade or plan for sewers, or both, as the case may be, of the several streets and avenues or parts thereof to which such maps relate, with the same force and effect in all respects, as though such altered or amended grade or plan had been originally so laid down and established according to law. But no such change of grade shall be made in any street or avenue or part thereof, after the same shall have been paved, curbed, guttered or flagged, and that the fact that such change, if any, was so made prior to such paving, curbing, guttering or flagging, shall be certified by said commissioners on each map so filed by them."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy		

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 510 of the Laws of 1870, entitled 'An act to authorize the Rondout and Oswego Railroad Company to increase their rates of fare for the transportation of passengers,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wagner
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St John	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 27 of the Laws of 1871, entitled 'An act to change the name of the Brooklyn Homœopathic Dispensary, to authorize it to sell, mortgage or lease its property, to establish and maintain a hospital and increase the number of trustees,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Harris	Prince	Wagner
Carpenter	Kennaday	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin
Doolittle	Loomis	St. John	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' passed June 24, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds, upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the bill entitled as follows:

"An act to amend chapter 314 of the Laws of 1874, entitled 'An act to establish a board of police and fire commissioners of the city of Utica.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 335 of the Laws of 1869, entitled 'An act to provide a charter for the village of Oneida.'"

Assembly, "An act to amend an act entitled 'An act to amend an act to provide for a supply of water in the village of Cohoes, passed April 12, 1856,' passed April 18, 1870."

Assembly, "An act to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland, to change the place of holding their next annual town election.'"

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the supervisor of the town of Ellington, county of Chautauqua and State of New York, to convey certain lands in the village of Ellington, used for the last thirty years as a public park."

Assembly, "An act to amend chapter 382 of the Laws of 1875, entitled 'An act for the preservation of fish in Chautauqua lake.'"

Assembly, "An act to amend chapter 277 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautauqua lake from certain provisions of said act."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the

county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870."

"An act to prohibit the deposit of sand, mud or similar materials, in certain waters of this State."

Assembly, "An act to amend an act entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,' passed May 5, 1870."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Booth moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to water companies."

"An act to extend' the time for the organization of the Mutual Trust Institution of the city of New York."

"An act to provide for the appointment and removal of town overseers of the poor, and to fix the manner of their compensation."

After some time spent therein, the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Vedder, from the same committee, reported in favor of the passage of the last named bill, with the title amended by inserting after the words "overseers of the poor," the words "in the counties of Westchester, Putnam, Rensselaer, Albany, Ulster and Rockland," which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 117 of the Laws of 1853, entitled 'An act to authorize the formation of corporations for the erection of buildings.'"

"An act to amend section 47 of title 2 of article 3 of chapter 13 of the first part of the Revised Statutes, relating to the equalization of assessments."

"An act to allow the redemption of certain lands sold for taxes in the city of Rochester."

After some time spent therein the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first named bill.

Mr. Woodin moved to disagree with the report of the committee, and that said bill be rejected.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Wellman, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *April 25, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Smith, and by unanimous consent, the same was amended as follows:

Section 1, line 4, strike out the word "fifty," and insert in lieu thereof "twenty-five." Lines, 9, 10 and 11, strike out the words "and payable in such amounts and at such dates, not exceeding thirty years after their issue, as the common council may direct," and insert in place thereof the words "as the common council shall direct, and payable in ten equal annual installments."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg
Booth	Emerson	Moore	Vedder
Bradley	Gerard	Robertson	Wagner
Carpenter	Harris	Rogers	Wellman
Cole	Lamont	St. John	Woodin
Coleman	Loomis	Sayre	23

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Selkreg
Booth	Emerson	Moore	Tobey
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
			24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

Assembly, "An act to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of the lands belonging to and occupied by the Seamen's Retreat on Staten Island.'"

Assembly, "An act to prohibit the disposal of any part of the public lands on Lake George or the islands thereof."

After some time spent therein the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend section 15 of article 2, title 4 of chapter 2 of part 3 of the Revised Statutes, relating to justices' courts."

"An act to amend chapter 482 of the Laws of 1868, entitled 'An act authorizing any life insurance company, or any trust or loan company, to invest their funds in bonds issued by any county, town or village of this State, pursuant to any law of this State.'"

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Moore asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts of Franklin S. Emmes, a constable in the town of Hammond, in the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Tobey, the Senate then went into executive session, and after some time spent therein the doors were opened, and,

On motion of Mr. Tobey the Senate took a recess until half-past seven o'clock.

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## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to said city, for second mortgage bonds,

upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railroad and Sonyea, in Livingston county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relating to unpaid taxes in Long Island City," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to regulate processions and parades in the cities of the State of New York,' passed May 7, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Cole asked and obtained leave to introduce a bill entitled "An act to relieve the State from maintaining the Chenango canal, and to authorize its use with the extension thereof, for the purposes of a railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Vedder asked and obtained leave to introduce a bill entitled "An act conferring the powers of peace officers upon the trustees of the Chautauqua Lake Sunday School Assembly, during their religious meetings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' and to amend several acts amending the same," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on insurance.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print 1,500 copies of the Annual Report of the Regents of the University on the State Museum of Natural History, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That 1,500 copies of the 29th Annual Report of the Regents of the University on the State Museum of Natural History be printed for the use of the Regents of the University, and 300 copies for the use of the Director of the State Museum.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Emerson	Moore	Sayre
Bradley	Gerard	Prince	Selkreg
Cole	Kennaday	Robertson	Wagner
Coleman	Loomis	Rogers	Woodin
Doolittle	McCarthy	St. John	

19

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Wagner, from the committee on public printing, to which was referred the resolution to print the Report of the Canal Commissioners for 1875, reported in favor of the adoption of the following resolution:

*Resolved* (if the Assembly concur), That there be printed for the use of the Canal Commissioners 2,000 copies of their annual report for the year ending September 30, 1875, 1,000 to be bound in cloth and the remainder in paper; also that 2,000 copies be printed for the use of the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Booth	Emerson	McCarthy	St. John	
Bradley	Gerard	Moore	Selkreg	
Gole	Harris	Prince	Vedder	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	Rogers	Woodin	20

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to enable the city of Syracuse to raise money by tax for the Centennial Celebration of the Fourth of July, and for fixing the salary of the assistant overseer of the poor."

"An act in relation to Riverside avenue and park in the city of New York."

"An act to legalize the official acts of Archibald Hance as notary public."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported that they had substituted for the first named bill Assembly bill No. 600, entitled "An act to authorize the common council of the city of Syracuse to appropriate and expend \$5,000 towards the expense of celebrating the Fourth day of July, 1876," with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park in the city of Brooklyn, towards Coney Island, in the county of Kings.'"

"An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof.'"

Assembly, "An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and

concourse in continuation of a public highway or avenue heretofore laid out from Prospect Park, in the city of Brooklyn, toward Coney Island in the county of Kings.' "

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation,' " was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 788 of the Laws of 1867, entitled 'An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings.' "

"An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation.' "

"An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the manual labor school upon the Tonawanda reservation.' "

After some time spent therein the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church to convey certain property."

Assembly, "An act to authorize the Baptist church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings."

"An act to authorize the Chautauqua Lake Camp Meeting Association to convey certain property."

After some time spent therein, the President resumed the chair, and Mr. Lamont, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Lamont, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.



The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend section 29 of chapter 460 of the Laws of 1837, entitled 'An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts,' passed May 16, 1837, as amended by chapter 229 of the Laws of 1862."

Assembly, "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.'"

Assembly, "An act to provide for the election and compensation of coroners in the county of Rensselaer."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to make the office of supervisor in the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board."

Assembly, "An act to release the right, title and interest of the people of the State of New York to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate situate in the city of Brooklyn, and also in the town of Flatbush, in the county of Kings, and State of New York."

Assembly, "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Prince moved that said last named bill be printed pending its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin moved that the remainder of the evening session be devoted to the consideration of only Senate bills upon the calendar of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law."

"An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations.'"

"An act in relation to surrogates' courts."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first and last named bills, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Whereupon the Senate adjourned.

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### THURSDAY, APRIL 27, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

"An act to amend section 47 of title 2 of article 3 of chapter 13 of part 1 of the Revised Statutes, relating to the equalization of assessments."

"An act to prohibit the deposit of sand, mud or similar materials in certain waters of this State."

"An act to extend the time for the organization of the Mutual Trust Institution, of the city of New York."

"An act to allow the redemption of certain lands sold for taxes in the city of Rochester."

"An act to legalize the official acts of Archibald Hance as notary public."

"An act to amend chapter 482 of the Laws of 1868, entitled 'An act authorizing any life insurance company, or any trust or loan company, to invest their funds in bonds issued by any county, town or village of this State, pursuant to any law of this State.'"

"An act in relation to water companies."

"An act to legalize and confirm the official acts of Franklin S. Emmes, a constable in the town of Hammond, in the county of St. Lawrence."

"An act in relation to Riverside avenue and park, in the city of New York."

"An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State reformatory at Elmira, and to prescribe the manner of such investigation.'"

"An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations.'"

"An act making an appropriation to the commissioners of emigration, to enable them to perform the duties imposed upon them by law."

"An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the manual labor school upon the Tonawanda reservation.'"

"An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870."

"An act to provide for the appointment and removal of town overseers of the poor and to fix the manner of their compensation."

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof.'"

The Assembly returned, pursuant to resolution, the Assembly bill entitled "An act to facilitate the assessment of lands of non-resident owners in the several towns of this State."

Mr. Robertson moved to reconsider the vote by which the adverse report of the committee on the judiciary upon said bill was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Booth presented a remonstrance against the act authorizing the Fishkill and Newburgh Railroad Bridge Company to build a bridge across the Hudson river; which was read and referred to the committee on railroads.

The Assembly returned, pursuant to resolution, the Assembly bill entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

Mr. Robertson moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John
Booth	Gerard	McCarthy	Selkreg
Bradley	Harris	Moore	Starbuck
Carpenter	Kennaday	Prince	Vedder
Cole	Lamont	Robertson	Woodin
Coleman			

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Insert as section 16 the following:

"§ 16. This act and the Code of Remedial Justice shall not be printed or published for the use of the State, or of any State department or State officer or otherwise, in any manner, at the expense of the State, except in the volumes containing the laws of this session, to be printed and published as prescribed by law; they shall be printed in one volume, which shall contain no other law passed at this session, nor shall they be printed or published in any newspaper, at the expense of the State or of any county. All laws relating to printing, distributing or publishing any of the statutes of the State at the public expense shall be deemed inapplicable to those two acts, except as respects the printing, publication and distribution thereof in the volumes containing the laws of this session."

Change section 16 to section 17.

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Rooth	Doolittle	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	St. John	Woodin
			20

FOR THE NEGATIVE.

Harris

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Robertson offered the following:

*Resolved*, That Assembly bill No. 157, G. O. No. 492, entitled 'An act to amend chapter 56 of the Laws of 1871, entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' be printed, pending its consideration by the committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson presented the Annual Report of the American Geographical Society for the year 1875; which was laid upon the table and ordered printed.

(See *Doe. No.* .)

Mr. Robertson, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to facilitate the distribution of the property and effects of the Asbury Life Insurance Company," reported in favor of the passage of the same, and said bill was recommitted to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 2, chapter 5, of part 3 of the Revised Statutes, entitled 'Proceedings to compel the determination of claims against real property in certain cases,'" reported in

favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the election of a police justice in the town of Watervliet, in the county of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the proceedings of the town meeting, so far as the same relates to the election of highway commissioners, held in and for the town of Alden, Erie county, on the first Tuesday of March, 1876," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sayre moved to take from the table the Assembly bill recalled from the Governor, entitled "An act to amend an act entitled 'An act to amend an act passed May 2, 1834, incorporating the village of Camden,' as amended by chapter 54 of the Laws of 1864."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Bradley	Harris	Moore	Selkreg
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Vedder
Coleman	Loomis	St. John	Woodin
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The bill entitled "An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the manual labor school upon the Tonawanda reservation,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Woodin
Coleman	Loomis		

22

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act in relation to water companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	St. John	Woodin
Coleman	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 482 of the Laws of 1868, entitled 'An act authorizing any life insurance company, or any trust or loan company, to invest their funds in bonds issued by any county, town or village of this State, pursuant to any law of this State,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	McCarty	St. John
Bradley	Gerard	Moore	Sayre
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Loomis	Rogers	

19

## FOR THE NEGATIVE.

Selkreg	1
---------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 47 of title 2 of article 3 of chapter 13 of the first part of the Revised Statutes, relating to the equalization of assessments," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Lamont	Selkreg
Booth	Doolittle	Loomis	Vedder
Bradley	Harris	McCarthy	Wellman
Cole	Kennaday	Moore	Woodin

16

## FOR THE AFFIRMATIVE.

Carpenter	Prince	Rogers	Sayre
Emerson	Robertson	St. John	Starbuck
Gerard			

9

Mr. Woodin moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to extend the time for the organization of the Mutual Trust Institution of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Vedder
Bradley	Gerard	Moore	Wellman
Carpenter	Kennaday	Prince	Woodin
Cole	Lamont	Robertson	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to prohibit the deposit of sand, mud or similar materials in certain waters of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Prince	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	Rogers	Wellman
Cole	Kennaday	Sayre	Woodin
Coleman	Lamont		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to allow the redemption of certain lands sold for taxes in the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Selkreg
Bradley	Gerard	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the official acts of Archibald Hance as notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Prince	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wellman
Cole	Lamont	St. John	Woodin
Coleman	Loomis	Sayre	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 611 of the Laws of 1875, entitled 'An act to provide for the organization and regulation of certain business corporations,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Starbuck
Bradley	Gerard	Prince	Vedder
Carpenter	Harris	Robertson	Wellman
Cole	Kennaday	Rogers	Woodin
Coleman	Lamont	Sayre	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the official acts of Franklin S. Emmes, a constable in the town of Hammond, in the county of St. Lawrence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Robertson	Starbuck
Bradley	Harris	Rogers	Vedder
Cole	Kennaday	St. John	Wellman
Coleman	Lamont	Sayre	Woodin
Doolittle	Loomis		22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation,' " was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Selkreg
Booth	Gerard	McCarthy	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Rogers	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to amend chapter 144 of the Laws of 1872, entitled 'An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Rogers	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to Riverside avenue and park in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	Rogers	Wellman
Cole	Kennaday	St. John	Woodin
Coleman	Lamont	Sayre	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the appointment and removal of town overseers of the poor, in the counties of Westchester, Putnam, Rensselaer, Albany, Ulster and Rockland, and to fix the manner of their compensation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Harris	Rogers	Vedder
Cole	Kennaday	St. John	Wellman
Coleman	Loomis	Sayre	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Selkreg
Booth	Emerson	McCarthy	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	Rogers	Wellman
Cole	Kennaday	St. John	Woodin
Coleman	Lamont	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize and require Pardon Andrews, late collector of the town of Sardinia, in the county of Erie, to pay certain moneys, heretofore collected in pursuance of chapter 419 of the Laws of 1874, to the supervisor of the said town of Sardinia, and to provide for the disbursement of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Kennaday	Rogers	Wellman
Coleman	Lamont	St. John	Woodin
Doolittle	Loomis	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to ratify and confirm the proceedings to incorporate the Oneida Gas-light Company of Oneida, Madison county, and to legalize and confirm its acts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 240 of the Laws of 1847, entitled 'An act to amend the act entitled An act respecting elections other than for militia and town officers, passed April 5, 1842,'" was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Lamont	Rogers
Booth	Emerson	Loomis	St. John
Bradley	Gerard	McCarthy	Selkreg
Carpenter	Harris	Prince	Tobey
Cole	Kennaday	Robertson	Woodin

20

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 838 of the Laws of 1866, entitled 'An act to amend an act entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed February 17, 1848,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Selkreg
Booth	Gerard	McCarthy	Starbuck
Bradley	Harris	Prince	Tobey
Cole	Kennaday	Robertson	Vedder.
Coleman	Lamont	St. John	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extent the boundaries of the village of Niagara Falls," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	St. John	Vedder
Cole	Lamont	Schoonmaker	Woodin
Coleman	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 335 of the Laws of 1869, entitled 'An act to provide a charter for the village of Oneida,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Selkreg
Booth	Harris	Robertson	Starbuck
Cole	Kennaday	Rogers	Tobey
Coleman	Lamont	St. John	Vedder
Doolittle	McCarthy	Sayre	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for a supply of water in the village of Cohoes, passed April 12, 1856,' passed April 18, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland,

to change the place of holding their next annual town election," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the supervisor of the town of Ellington, county of Chautauqua and State of New York, to convey certain lands in the village of Ellington, used for the last thirty years as a public park," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Booth	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Lamont	Rogers	Vedder
Doolittle	Loomis	St. John	Wellman

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 382 of the Laws of 1875, entitled 'An act for the preservation of fish in Chautauqua lake,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	Rogers	Vedder
Cole	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 277 of the Laws of 1875, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' so as to exempt Chautanqua lake from certain provisions of said act," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Kennaday	Robertson	Tobey
Carpenter	Lamont	Rogers	Vedder
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer,' passed May 5, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Starbuck
Booth	Gerard	Robertson	Tobey
Bradley	Kennaday	Rogers	Wagner
Carpenter	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Booth	Harris	Robertson	Tobey
Carpenter	Kennaday	Rogers	Vedder

Cole	Loomis	St. John	Wellman	
Coleman	McCarthy	Sayre	Woodin	20

## FOR THE NEGATIVE.

Selkreg

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of the lands belonging to and occupied by the Seamen's Retreat on Staten Island,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Selkreg
Bradley	Kennaday	Robertson	Starbuck
Carpenter	Lamont	Rogers	Tobey
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Emerson	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to prohibit the disposal of any part of the public lands on Lake George or the islands thereof," having been announced for a third reading,

On motion of Mr. Tobey, and by unanimous consent, said bill was amended as follows:

Section 1, line 2, strike out the words "or under the waters of said lake."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	St. John
Booth	Gerard	McCarthy	Sayre
Bradley	Harris	Moore	Selkreg
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Wellman
Coleman			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend section 15 of article 2, title 4 of chapter 2 of part 3 of the Revised Statutes, relating to justices' courts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Kennaday	Rogers	Tobey
Cole	Lamont	St. John	Vedder
Coleman	Loomis	Sayre	Wellman
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the commissioners of the town of Berkshire, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Lamont	Rogers	Vedder
Doolittle	Loomis	St. John	Wellman

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	Rogers	Vedder
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.



The Assembly bill entitled "An act to authorize the common council of the city of Syracuse to appropriate and expend \$5,000 towards the expense of celebrating the Fourth day of July, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Selkreg
Booth	Gerard	Moore	Starbuck
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	Rogers	Vedder
Cole	Lamont	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church, to convey certain property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Booth	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the Baptist Church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Selkreg
Bradley	Gerard	Prince	Starbuck
Carpenter	Harris	Robertson	Tobey

Cole	Kennaday	Rogers	Vedder	
Coleman	Loomis	St. John	Wellman	24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 29 of chapter 460 of the Laws of 1837, entitled 'An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts,' passed May 16, 1837, as amended by chapter 229 of the Laws of 1862," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre	
Booth	Gerard	Moore	Selkreg	
Bradley	Harris	Prince	Starbuck	
Carpenter	Kennaday	Robertson	Tobey	
Cole	Lamont	Rogers	Vedder	
Coleman	Loomis	St. John	Wellman	24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre	
Booth	Gerard	Moore	Selkreg	
Carpenter	Harris	Prince	Starbuck	
Cole	Kennaday	Robertson	Tobey	
Coleman	Lamont	Rogers	Wellman	
Doolittle	Loomis	St. John		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the election and compensation of coroners in the county of Rensselaer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	St. John
Booth	Gerard	McCarthy	Sayre

Carpenter	Harris	Prince	Vedder
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	Rogers	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to make the office of supervisor, in the county of Erie, a salaried office, and to provide for the appointment and compensation of other officers of said board," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Booth	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg
Carpenter	Harris	Prince	Starbuck
Cole	Kennaday	Robertson	Tobey
Coleman	Lamont	Rogers	Wellman
Doolittle	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release the right, title and interest of the people of the State of New York to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate, situate in the city of Brooklyn, and also in the town of Flatbush, in the county of Kings and State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York."

Assembly, "An act in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath."

Assembly, "An act to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park on the west side of East street, in said village, or any part thereof."

After some time spent therein the President resumed the chair, and Mr. Starbuck, from said committee, reported progress on the first named bill and asked and obtained leave to sit again.

Mr. Starbuck, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Starbuck, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to change the name of 'The Rochester and Pine Creek Railroad Company.'"

Assembly, "An act to amend chapter 325 of the Laws of 1874, entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of Springville,' passed April 11, 1834."

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Rogers moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to declare Independence creek and its tributaries, in Lewis county, a public highway."

Assembly, "An act to declare Swiss creek, in Lewis county, a public highway."

Assembly, "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the counties of Rockland and Delaware."

After some time spent therein the President resumed the chair, and Mr. Vedder, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Vedder, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Loomis moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *April 25, 1876.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act in relation to arrears of taxes in the city of New York."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Strahan, and by unanimous consent, the same was amended as follows:

Amend the title by adding thereto, after the words "New York," the words, "and to provide for the reissuing of revenue bonds in anticipation of such taxes."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

EDWARD M. JOHNSON, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Selkreg
Bradley	Harris	Prince	Starbuck
Carpenter	Kennaday	Robertson	Tobey
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county."

Assembly, "An act to release the interest of the people of the State of New York in certain real estate to Frederick Zinsser."

Assembly, "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 145 of the Laws of 1876, entitled 'An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 355 of Laws of 1852,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 144 of the Laws of 1876, entitled 'An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act further to amend chapter 745 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857, passed May 3, 1869,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,'" and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the payment by the city of New York of the salaries fixed by law of the arbitrator and clerk of the court of arbitration of the chamber of commerce of the State of New York."

Assembly, "An act for the relief of John Christmann and Patrick Dunn."

Assembly, "An act making the third and fifth days of July, in the year 1876, legal holidays."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard moved that the first named bill be printed, pending its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Kennaday, from the same committee, reported that the committee had stricken out the enacting clause of said last named bill.

Mr. Prince moved to amend the report of the committee, and to restore the bill as it came from the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Robertson	
Gerard	McCarthy			6

FOR THE NEGATIVE.

Bradley	Doolittle	Rogers	Starbuck *	
Carpenter	Kennaday	St. John	Wellman	
Cole	Loomis	Sayre	Woodin	
Coleman	Moore	Selkreg		15

The President then put the question whether the Senate would agree to the report of the committee of the whole on said bill, and it was decided in the affirmative.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have stricken out the enacting clause of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide for the formation of road districts, in certain cases, within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvement of roads therein."

Assembly, "An act in relation to the opening of Prospect avenue, in the city of Brooklyn."

"An act in relation to Hempstead and Jamaica plank-road company."

After some time spent therein, the President resumed the chair, and Mr. Wellman, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Wellman, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the supervisor of the town of Geneseo, to insure the Geneseo normal and training school."

Assembly, "An act to amend an act entitled 'An act to amend the charter of the village of Avon,' passed April 22, 1867."

Assembly, "An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum.'"

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Assembly sent for concurrence the bills entitled as follows :

"An act to establish a board of governors of the House of Industry of the county of Rensselaer, and to provide for the care of the poor and insane in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 636 of the Laws of 1874, entitled 'An act relating to the board of health of the health department of the city of New York, to the commissioners of health and the officers of the said department, their duties and powers, and the expenses of the said department,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 484 of the Laws of 1862, entitled 'An act in relation to the courts in the city and county of New York,' passed April 24, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Tobey, the Senate took a recess until half-past seven o'clock P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax."

Assembly, "An act empowering the village of Wellsville to raise by tax a fund for the building of sidewalks."

Assembly, "An act to facilitate the distribution of the property and effects of the Asbury Life Insurance Company."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Cole, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

The Assembly sent for concurrence the bills entitled as follows :

"An act authorizing the board of supervisors of the county of Kings to raise money for the erection of a bell tower and the purchase of a bell for the benefit of the fire department of the town of New Lots, in said county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' " which was read the first



time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend chapter 48 of the Laws of 1871, entitled 'An act to incorporate the Odd Fellows' Hall Association of Watertown,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for lands taken from Prospect park for reservoir purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 231 of the Laws of 1874, entitled 'An act for the protection and preservation of fish in that portion of the Wallkill river in the counties of Ulster and Orange,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 135 of the Laws of 1873, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 389 of the Laws of 1872, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, Queens county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 497 of the Laws of 1869, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 361 of the Laws of 1867, entitled 'An act authorizing supplementary proceedings for the collection of taxes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873 and 1874, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of Buffalo to appropriate five thousand dollars (in addition to the sum of five thousand dollars now authorized by section 8 of title 5 of the revised charter of the city of Buffalo), for the celebration of the fourth of July and the reception of distinguished persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 69 of the Laws of 1847, entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847, and the various acts amendatory thereof, passed March 12, 1860, March 14, 1865, April 16, 1868, and April 5, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to provide for the purchase of a new school-house site and erection of a new school house thereon, and for the sale of the present school houses and sites in school district No. 2 of the town of Kinderhook, county of Columbia,' passed April 21, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to legalize the action of the board of supervisors of the county of Niagara, concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 200 of the Laws of 1875, entitled 'An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the acts of Jacob Waller as a commissioner of deeds in and for the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Callicoon Bridge Company, in Sullivan county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide offices and rooms for public purposes in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to enable the trustees of the village of Skaneateles, in the county of Onondaga, to raise money by tax for the payment of certain

indebtedness created during the year 1870, and the period subsequent thereto, and including the year 1876," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to arrears of taxes and assessments in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize certain acts relative to the organization of School district No. 10 of the town of Newtown, Queens county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Prince, and by unanimous consent, said bill was substituted for Senate bill No. —, G. O. No. —, and the same was committed to the committee of the whole.

"An act to provide for the compensation of members of the board of supervisors of the county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 210 of the Laws of 1847, entitled 'An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads,' passed May 7, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to facilitate the determination of claims against the city or county of New York, and the board of education of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to extend the time for the organization of the International Trust Company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet, and other streets in said city, and to raise money to pay for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the protection of life and limb of persons employed in mechanical pursuits," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the Twelfth ward of the city of Brooklyn, passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866,' passed May 20, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to reappropriate certain moneys in the treasury heretofore appropriated for the rebuilding of the Glen's Falls feeder to the Champlain canal," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on canals.

"An act to amend an act passed May 17, 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act authorizing the supervisor of the town of Day, in the county of Saratoga, to reassess non-resident taxes rejected by the Comptroller," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the Clyde high school in the village of Clyde, Wayne county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish a ferry across Seneca lake, at Lodi Landing,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act relative to the dissolution of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide armories and drill rooms, and to provide for payment for the use and occupation of armories and drill rooms, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same.

"An act to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city, and repairing the firemen's hall building therein."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 465 of the Laws of 1875, entitled 'An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein,' passed May 28, 1875."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, as amended:

"An act to amend chapter 180 of the Laws of 1868, entitled 'An act to amend an act entitled An act to amend an act to provide for the preservation of public health, and for draining overflowed land adjoining Black

lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg, and the repeal of chapter 735 of the Laws of 1865, amendatory of chapter 577 of the Laws of 1864.”

“An act to amend chapter 135 of the Laws of 1875, entitled ‘An act to amend the act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg,’ passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, and chapter 360 of the Laws of 1871.”

“An act further to amend chapter 322 of the Laws of 1870, entitled ‘An act to authorize corporations to change their names.’”

*Ordered,* That the Clerk deliver said bills to the Governor.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

“An act to amend chapter 144 of the Laws of 1876, entitled ‘An act authorizing the town of Genoa in the county of Cayuga, to issue bonds to the amount of \$50,000 to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852.’”

“An act to amend chapter 145 of the Laws of 1876, entitled ‘An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000 to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852.’”

“An act in relation to the Hempstead and Jamaica plank-road company.”

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled “An act to amend chapter 604 of the Laws of 1874, entitled ‘An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor,’” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled “An act to amend chapter 329 of the Laws of 1874, entitled ‘An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,’” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled “An act to amend chapter 837 of the Laws of 1869, entitled ‘An act to extend Bedford avenue and Herkimer street, to widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn,’” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled “An act to close parts of Bedford Place in the city of Brooklyn,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof."

Assembly, "An act in relation to the public cemetery in the village of Port Byron, in the county of Cayuga."

"An act relative to lands held in trust by Charles H. Holden, for the benefit of Harriet Perry and certain of her descendants."

After some time spent therein the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the bill entitled "An act in relation to the clerks, officers and attendants of the marine court of the city of New York," with a message that they had concurred in the passage of the same, with the following amendment:

In line 5, section 1, after the word "than," strike out the word "fourteen," and insert the word "ten."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Harris	Morrissey	Schoonmaker
Booth	Kennaday	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	Wellman
Doolittle	Moore	Sayre	Woodin
Gerard			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Woodin moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend section 47 of title 2 of article 3 of chapter 13 of the first part of the Revised Statutes, relating to the equalization of assessments," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present.

Mr. Woodin moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to provide for the completion of the court house in the third judicial district in the city of New York," with a message that they had concurred in the passage of the same, with the following amendment:

In section 1, line 5, strike out all after the word "city," down to and including the word "thereof," in line 6.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Schoonmaker
Booth	Emerson	Moore	Selkreg
Dandley	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend section 2 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,'" with a message that they had concurred in the passage of the same, with the following amendments:

Reference to engrossed bill: Section 2, line 5, after the word "village," insert "exclusive." Same line, after the word "jurisdiction," insert the words "except as hereinafter provided." Same section, line 11, after the word "in," insert "such." Same section, line 16, after the word "justice," insert "he shall also have authority to administer oaths in verification of accounts and claims against the village, but shall have no other civil jurisdiction."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Booth	Harris	Rogers	Tobey
Carpenter	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Moore	Selkreg	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo, to clean the sewer in Chicago street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Buffalo to order to be assessed, and to cause to be raised by local assessments upon the lands deemed to be benefited thereby, the amount of the expense incurred in repairing Abbey street, Mineral road, South Michigan street and Avenue A, in said city, upon a petition of a majority of the resident owners in said city whose lands will be liable to be assessed therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills and concurrent resolution entitled as follows :

Assembly, "An act for the relief of Josiah Sullivan."

"An act in relation to the powers of boards of supervisors."

"Resolved (if the Assembly concur), That section 6 of article 6 of the Constitution be amended so that it shall read as follows :

§ 6. There shall be one existing supreme court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with two additional justices, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, six in the second judicial district, five in the third judicial district, and four in each of the other districts. The Legislature may alter the districts without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

Resolved (if the Assembly concur), That said amendment to said section 6 be referred to the Legislature to be chosen at the next general election of Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election."

After some time spent therein, the President resumed the chair, and Mr. Loomis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Loomis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Loomis, from the same committee, reported in favor of the adoption of said concurrent resolution, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,' passed June 7, 1875, so far as it relates to the county of Greene."

Assembly, "An act for the relief of Cornelius Flynn."

"An act in relation to the foundling asylum of the sisters of charity in the city of New York."



After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Doolittle from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester."

"An act to amend chapter 403 of the Laws of 1874, entitled 'An act to confirm and validate the consolidation of the corporations known as the Congregation Bikur Cholim Ukadisha, and the Congregation Chaari Zedek into one corporation, under the name of the Congregation Chaari Zedek of New York, and to incorporate the Chaari Zedek Cemetery Association.'"

"An act to amend chapter 881 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game.'"

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the committee on canals, to which was referred the bill entitled "An act to reappropriate certain moneys in the treasury heretofore appropriated for the rebuilding of Glen's Falls feeder to the Champlain canal," reported in favor of the passage of the same.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize certain acts relative to the organization of school district No. 10 of the town of Newtown, Queens county."

Assembly, "An act to amend chapter 129 of the Laws of 1856, entitled 'An act in relation to school district No. 6, in the town of Lyons, Wayne county,' passed April 7, 1856, and the several acts amendatory thereof."

"An act to authorize the boards of supervisors of the several counties of this State to work and otherwise improve public highways of not less than 210 feet in width, which have been opened by authority of the Legislature of the State of New York."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act relative to judgments entered upon forfeited recognizances in the city and county of New York."

Assembly, "An act for the relief of Patrick McCabe."

Assembly, "An act entitled 'An act to enable the records of the signal service department of the United States to be received and read in evidence.'"

After some time spent therein the President resumed the chair, and Mr. Schoonmaker, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 386 of the Laws of 1875, entitled 'An act to further amend the charter of the village of Delhi, passed May 17, 1875.'"

Assembly, "An act for the protection and propagation of fish in the waters of Tonawanda creek, in Genesee county."

Assembly, "An act to amend subdivision 1 of section 9 of article 2, title 4, chapter 6, part 1 of the Revised Statutes, in relation to elections and ballots."

After some time spent therein, the President resumed the chair, and Mr. Bixby, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Bixby, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Emerson moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly returned the bill entitled "An act to repeal chapter 930 of the Laws of 1869, entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York,'" with a message that they had concurred in the passage of the same, with the following amendment:

Section 1, strike out all after the word "repealed," in line 6, and insert the following in lieu thereof:

"Provided however that no existing right or interest lawfully created and established by and under the provisions of said act, and no action or proceeding now pending lawfully commenced and prosecuted, shall be affected or in any manner prejudiced or invalidated by the repeal thereof."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Schoonmaker
Booth	Emerson	Robertson	Selkreg
Bradley	Gerard	Rogers	Starbuck
Carpenter	Harris	St. John	Tobey
Cole	Kennaday	Sayre	Wagner
Coleman	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 2, printed bill, strike out the word "city," and insert "counties." Same line, after the word "York," insert the words "and Kings." Same line, after the word "said," strike out the word "city," and insert "counties." Line 4, same section, strike out the word "such." Insert at the end of section the following: "Unless the parties to the actions or proceedings mutually agree to such referee."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	St. John
Booth	Gerard	Morrissey	Sayre
Bradley	Hammond	Prince	Schoonmaker
Carpenter	Kennaday	Robertson	Selkreg
Cole	Loomis	Rogers	Tobey
Doolittle			

21

## FOR THE NEGATIVE.

Starbuck

1.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to the city court of Yonkers."

Assembly, "An act to consolidate the corporations entitled 'The Proprietors of the Long Wharf at Sag Harbor, and the Sag Harbor Wharf Company, and relating to the franchises and property thereof.'"

"An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens."

After some time spent therein, the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, the Senate adjourned.

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## FRIDAY, APRIL 28, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Prince, the reading of the journal of yesterday was dispensed with.

The Assembly sent for concurrence the bills entitled as follows :

"An act making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law," which was read the first time, and by unanimous consent was also read the second time.

Mr. Robertson moved that said bill be substituted for Senate bill No. 286, now on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

"An act to amend chapter 227 of the Laws of 1873, entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference,' " which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to said city, for second mortgage bonds, upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act to provide for the incorporation of fire insurance companies, passed May 4, 1864, in regard to the investment of their capital and surplus profits," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend an act entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 8, 1874," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street, in said city, and to raise money to pay for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relating to certain exemptions and privileges of the Industrial Exhibition Company," which was read the first time, and by unani

mous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to amend chapter 674 of the Laws of 1870, entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870, and also the several acts amendatory thereof, passed June 8, 1872, and June 7, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act relating to Moriah Plank-road Company, and repealing chapter 776 of the Laws of 1865, being chapter 95, passed March 16, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Ellen Allman, widow of Otto Allman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled the military code,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same:

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to Charles Golden."

"An act to extend the time for the organization of the Mutual Trust Institution of the city of New York."

"An act to authorize municipal corporations in the counties of Clinton, Essex and Washington to sell stock held by them in the New York and Canada Railroad Company."

"An act to amend chapter 671 of the Laws of 1857, entitled 'An act to establish regulations for the port of New York.'"

"An act to permit the Comptroller of the city of Buffalo to publish his statement of unpaid taxes."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies.'"

"An act to confirm the official acts of J. J. Harmon, N. R. Crandall and R. L. Cobb, commissioners of excise, in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof."

"An act to authorize the Comptroller to audit and allow certain accounts for supplies furnished to the State prisons."

"An act to confirm a deed from the trustees of the Lewis school fund of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton."

"An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State."

"An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson."

"An act to release to John J. Cooke, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized."

The Assembly returned the following entitled bill, with a message informing that they had non-concurred in the passage of the same.

"An act to legalize the proceedings of certain commissioners appointed for the drainage of low, wet, swamp and meadow lands in Wayne county."

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same:

"An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

"An act changing the time for holding tax meetings in the village of Green Island."

"An act to amend chapter 160 of the Laws of 1876, entitled 'An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation.'"

"An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January 1, 1874, was part of joint union school district No. 2 of the town of West Farms, for school property taken by the city of New York."

"An act to amend chapter 586 of the Laws of 1873, entitled 'An act to amend the 23d section of article 1, title 4, chapter 2, part 4 of the Revised Statutes, entitled Of the return and summoning of grand juries, their powers and duties.'"

"An act to authorize the use of steam power upon Atlantic avenue, east of Flatbush avenue, in the city of Brooklyn."

"Concurrent resolution proposing an amendment to section 11 of article 8 of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages."

"An act to amend chapter 714 of the Laws of 1869, entitled 'An act to incorporate the city of Watertown,' passed May 8, 1869, and also to amend chapter 810 of the Laws of 1871, entitled 'An act to amend an act entitled An act to incorporate the city of Watertown, passed May 8, 1869, and to confirm the acts of the common council in reference to local assessments for local improvements,' passed May 28, 1871."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bills entitled as follows:

"An act in relation to the clerks, officers and attendants of the Marine Court of the city of New York."

"An act to provide for the completion of the court house in the third judicial district in the city of New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled Assembly bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize the treasurer of Monroe county to collect certain taxes."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the Callicoon Bridge Company, in Sullivan county," reported in favor of the passage of the same.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend chapter 210 of the Laws of 1847, entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince offered the following:

*Resolved*, That the bill entitled "An act relating to unpaid taxes in Long Island city," be reprinted as reported from the committee on the affairs of cities.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Prince asked and obtained leave to introduce a bill entitled "An act in relation to the direction of the Richmond County Storage and Business Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act to create a board of railroad commissioners, and to regulate their powers," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," reported in favor of the passage of the same.

Mr. Robertson moved that said bill be substituted for Senate bill No. 256, on the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The bill entitled "An act in relation to Hempstead and Jamaica Plank-road Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Booth  
Carpenter

Gerard  
Hammond

McCarthy  
Prince

Schoonmaker  
Selkreg

Cole	Harris	Robertson	Starbuck	
Doolittle	Kennaday	St John	Vedder	
Emerson	Lamont	Sayre	Wagner	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relative to judgments entered upon forfeited recognizances in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Hammond	Moore	Schoonmaker	
Cole	Harris	Morrissey	Selkreg	
Coleman	Kennaday	Prince	Starbuck	
Doolittle	Lamont	Robertson	Vedder	
Emerson	Loomis	St. John	Wagner	
Gerard	McCarthy	Sayre		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to change the name of the Rochester and Pine Creek Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Carpenter	Hammond	McCarthy	Schoonmaker	
Cole	Harris	Morrissey	Selkreg	
Doolittle	Kennaday	Robertson	Starbuck	
Emerson	Lamont	St. John	Vedder	
Gerard	Loomis	Sayre	Wagner	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	
Booth	Emerson	Moore	Selkreg	
Bradley	Gerard	Morrissey	Starbuck	
Carpenter	Hammond	Robertson	Wagner	
Cole	Kennaday	Rogers	Woodin	
Coleman	Loomis	St. John		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly bill entitled "An act to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park on the west side of East street in said village, or any part thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Booth	Gerard	Morrissey	Schoonmaker
Carpenter	Hammond	Prince	Starbuck
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Woodin
Emerson	McCarthy	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 144 of the Laws of 1876, entitled 'An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Selkreg
Cole	Kennaday	Morrissey	Starbuck
Coleman	Lamont	Robertson	Vedder
Doolittle	Loomis	St. John	Wagner
Gerard	McCarthy	Schoonmaker	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 145 of the Laws of 1876, entitled 'An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Carpenter	Hammond	Prince	Selkreg
Cole	Kennaday	Robertson	Vedder

Coleman	Lamont	Rogers	Wagner	
Doolittle	Loomis	St. John	Woodin	24

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the supervisors of the several towns in the county of Allegany to appeal to the board of State Assessors," reported the same for the consideration of the Senate.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act authorizing the board of supervisors of the county of Kings to raise money for the erection of a bell-tower, and the purchase of a bell for the benefit of the fire department of the town of New Lots, in said county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to establish a board of governors of the house of industry of the county of Rensselaer, and to provide for the care of the poor and insane in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate St. Raymond Cemetery of Westchester, in the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act to extend the time for the organization of the International Trust Company of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the select committee on apportionment, to which was referred the subject of apportionment of the Senate and Assembly districts of the State, reported in writing, and introduced a bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Woodin moved that the consideration of said bill be made a special order for Monday morning, at ten o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game.'"

"An act in relation to the foundling asylum of the Sisters of Charity in the city of New York."

"An act to amend chapter 403 of the Laws of 1874, entitled 'An act to confirm and validate the consolidation of the corporations known as the Congregation Bikur Cholim Ukadisha, and the Congregation Chaari Zedek into one corporation, under the name of the Congregation Chaari

Zedek of New York, and to incorporate the Chaari Zedek Cemetery Association."

"An act in relation to the powers of boards of supervisors."

"An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Greenburgh, in the county of Westchester."

"An act to authorize the boards of supervisors of the several counties of this State to work and otherwise improve public highways of not less than 210 feet in width, which have been opened by authority of the Legislature of the State of New York."

"An act relative to lands held in trust by Charles H. Holden for the benefit of Harriet Perry and certain of her descendants."

"Concurrent resolution proposing an amendment to section 6, article 6 of the Constitution, relative to the number of justices of the Supreme Court, and the districts in which they shall be elected."

Mr. Gerard, from the minority of the select committee on apportionment, to which was referred the subject of apportionment of the Senate and Assembly districts of this State, reported in writing and introduced a bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 389 of the Laws of 1839, entitled 'An act to preserve the purity of elections,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act conferring the powers of peace officers upon the trustees of the Chautauqua Lake Sunday School Assembly, during their religious meetings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville, in said town, and to authorize the removal of the dead from said ground," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 281 of the Laws of 1874, entitled An act to amend an act entitled An act to amend an act entitled An act to legalize the State and county taxes in the county of Rensselaer for the year 1859 and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes, passed April 10, 1860,' and to provide for all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer shall be sold by the county treasurer in the city of Troy, and subject to redemption and conveyance, passed April 2, 1866," reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 32, part 1, title 1, article 3, chapter 16, of the Revised Statutes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize James C. McAndrew to take, hold and convey real estate," reported in favor of the passage of the same.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm and legalize the acts of David Day, 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888 of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge, and their assessment therefor, with rights of appeal, and to provide for a further assessment," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing the supervisor of the town of Day, in the county of Saratoga, to re-assess non-resident taxes rejected by the Comptroller," reported in favor of the passage of the same.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the compensation of members of the board of supervisors of the county of Oneida," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

Mr. Harris, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend chapter 135 of the Laws of 1873, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes, in the town of Jamaica, Queens county,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris, from the committee on finance, to which was referred the bill entitled "An act authorizing the payment of William C. Stead, for services as post-office messenger of the Senate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to authorize the boards of supervisors of the several counties of this State to work and otherwise improve public highways of not less than 210 feet in width, which have been opened by authority of the Legislature of the State of New York," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Jacobs	Moore
Bixby	Doolittle	Kennaday	Morrissey
Booth	Emerson	Lamont	Prince
Carpenter	Gerard	Loomis	Robertson
Cole	Harris	McCarthy	Selkreg

20

## FOR THE NEGATIVE.

Schoonmaker      Starbuck

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,'" having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on internal affairs, with instructions to amend by striking out the first section.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Carpenter	Harris	Prince	Starbuck
Cole	Jacobs	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 788 of the Laws of 1867, entitled 'An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the outdoor poor, and to pay deficiencies in the salary account of the commissioner of charities," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Sayre
Bradley	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Coleman	Lamont	Robertson	Starbuck
Doolittle	Loomis	Rogers	Vedder
Gerard	McCarthy	St. John	Wellman

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to the foundling asylum of the sisters of charity in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Sayre
Bradley	Jacobs	Moore	Starbuck
Carpenter	Kennaday	Morrissey	Vedder
Coleman	Lamont	Robertson	Wagner
Emerson	Loomis	St. John	

19

## FOR THE NEGATIVE.

Hammond

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Gerard moved that the committee on internal affairs be discharged from the further consideration of the bill entitled "An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill being announced for a third reading,

On motion of Mr. Gerard, and by unanimous consent, said bill was amended as follows:

Section 1, line 6, insert before the word "cut," the words "willfully and maliciously."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Emerson	Loomis	St. John
Bixby	Gerard	McCarthy	Sayre
Carpenter	Hammond	Moore	Schoonmaker
Cole	Harris	Morrissey	Selkreg
Coleman	Lamont	Robertson	Wagner
Doolittle			

21

FOR THE NEGATIVE.

Prince	Rogers	Starbuck
--------	--------	----------

3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	St. John
Bixby	Emerson	Morrissey	Sayre
Booth	Gerard	Prince	Schoonmaker
Carpenter	Hammond	Robertson	Selkreg
Cole	Harris	Rogers	Wagner
Coleman	Loomis		

22

FOR THE NEGATIVE.

Lamont	Wellman
--------	---------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act relative to lands held in trust by Charles H. Holden for the benefit of Harriet Perry and certain of her descendants," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Moore	Schoonmaker
Booth	Gerard	Morrissey	Selkreg

Bradley	Harris	Robertson	Starbuck
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wellman
Doolittle	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the powers of boards of supervisors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	Rogers
Carpenter	Gerard	McCarthy	St. John
Cole	Harris	Morrissey	Sayre
Coleman	Jacobs	Prince	Schoonmaker
Doolittle	Lamont	Robertson	Wagner

20

## FOR THE NEGATIVE.

Starbuck 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 776 of the Laws of 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Carpenter	Lamont	Prince	Selkreg
Cole	Loomis	Robertson	Vedder
Doolittle	McCarthy	St. John	Wagner
Emerson			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 403 of the Laws of 1874, entitled 'An act to confirm and validate the consolidation of the corporations known as the Congregation Bikur Cholim Ukadisha and the Congregation Chaari Zedek into one corporation, under the name of the Congregation Chaari Zedek of New York, and to incorporate the Chaari Zedek Cemetery Association," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bixby	Emerson	Loemis	St. John
Booth	Gerard	Moore	Sayre
Bradley	Harris	Morrissey	Schoonmaker
Carpenter	Jacobs	Prince	Selkreg
Cole	Kennaday	Robertson	Tobey
Coleman	Lamont	Rogers	Wellman
Doolittle			

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect Park, in the city of Brooklyn, toward Coney Island, in the county of Kings,' " having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended as follows :

Add at the end of section 1 the following :

" They shall have full and exclusive power to govern and manage the Ocean park way, from the circle at the south-westerly angle of Prospect park to the ocean, and direct the public use thereof, as also the circle and concourse at either terminus, and such parts of the several roads, streets or avenues as run through or intersect the same, and to pass and enforce laws and ordinances for the proper use, regulation and government thereof; and for all the purposes of such government, management and direction of public use, such parts of said roads or avenues as pass through or intersect said circle shall be deemed to be a part of Prospect park, and it shall be under like control and management as said park way."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Booth	Harris	Prince	Tobey
Bradley	Jacobs	Robertson	Vedder
Cole	Loomis	Rogers	Wellman
Coleman	McCarthy	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several

acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Strike out all after the enacting clause, and insert as follows:

"SECTION 1. Section one of title six of chapter two hundred and forty nine of the Laws of eighteen hundred and sixty-four, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester,' is hereby amended so as to read as follows:

§ 1. The trustees shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves and stove pipes, ovens, boilers, and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous, and to prevent the deposit of ashes in unsafe places; to provide fire buckets and to regulate the use of them in time of fire; to authorize the fire wardens or other officers of the village to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires as they may deem expedient; to prescribe and declare such portion of said village as they may deem expedient a fire district; to prohibit, restrain and prevent, within said fire district, the construction of any frame or wooden building for any purpose whatever.

§ 2. This act shall take effect immediately.

Amend the title so as to read: "An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof so far as the same relate to the village of New Rochelle, in the county of Westchester.'"

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Harris	Prince	Selkreg
Booth	Lamont	Robertson	Starbuck
Bradley	Loomis	Rogers	Tobey
Cole	McCarthy	St. John	Wagner
Coleman	Moore	Sayre	Woodin
Doolittle			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to consolidate the corporations entitled The Proprietors of the Long Wharf at Sag Harbor, and The Sag Harbor Wharf Company, and relating to the franchises and property thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Lamont	Robertson	Vedder
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Booth	Hammond	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to repeal chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages,' passed June 7, 1875, so far as it relates to the county of Greene," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Lamont	Robertson	Selkreg
Bixby	Loomis	Rogers	Starbuck
Booth	McCarthy	St. John	Tobey
Cole	Moore	Sayre	Wagner
Coleman	Morrissey	Schoonmaker	Wellman
Gerard	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the town of Sauger-tics, in the county of Ulster, to raise money to build a dock, and ceding

to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Section 2, strike out all of section to and including the word "town," in line 9, and insert as follows:

"§ 2. The supervisor of the town of Saugerties is hereby authorized and directed to cause a survey to be made of the proposed long dock and main dock, with pier, by a practical engineer, who shall give a true estimate of quantities as to timber, piles and filling for the same, and who, under the advice of the said supervisor, shall draw up proper specifications for the construction of said long dock, main dock and pier, and on such specifications the said supervisor and town board are hereby authorized and directed to let the work of building and making said long dock and main dock, with pier, to the lowest bidder, for a sum not to exceed \$16,000; such lowest bidder shall furnish security for the faithful performance of the same, to be approved of by the supervisor and town board of said town, and the same shall be constructed in the manner stated in the next following section; and for the purpose of defraying the expenses thereof, the said supervisor and town board of said town, after the affirmative vote at the special meeting of said town, provided for by this act in favor of the construction of the long dock, main dock and pier hereinbefore mentioned.

Section 3, line 3, strike out the words "twenty feet," and insert "forty feet." Line 5, strike out "fifty feet," and insert "eighty feet."

Further amend section 7 as follows: After the word "town," insert the following:

"No person shall vote at such town meeting except tax-payers of said town who are legal voters therein. The persons voting or offering to vote at such town meeting shall be subject to all the provisions of law regulating voting at town meetings, and providing for the punishment of illegal voting at such meetings."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Sayre
Bixby	Gerard	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Cole	Lamont	Robertson	Starbuck
Coleman	Loomis	Rogers	Wagner
Doolittle	McCarthy	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of Josiah Sullivan," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Bixby	Harris	Robertson	Selkreg
Booth	Lamont	Rogers	Starbuck
Carpenter	Loomis	St. John	Tobey
Cole	McCarthy	Sayre	Wagner
Doolittle	Moore		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 325 of the Laws of 1874, entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Schoonmaker
Bixby	Gerard	Robertson	Selkreg
Booth	Harris	Rogers	Starbuck
Bradley	Kennaday	St. John	Wagner
Cole	Loomis	Sayre	Wellman
Coleman	Moore		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Springville,' passed April 11, 1834," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Robertson	Starbuck
Bradley	Harris	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	McCarthy	Sayre	Wellman

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to declare Independence creek and its tributaries, in Lewis county, a public highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sayre
Booth	Harris	Prince	Schoonmaker
Bradley	Kennaday	Robertson	Selkreg
Cole	Lamont	Rogers	Starbuck
Coleman	Loomis	St. John	Wagner
Doolittle	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to declare Swiss creek, in Lewis county, a public highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Rogers
Bixby	Emerson	McCarthy	St. John
Booth	Harris	Moore	Sayre
Carpenter	Kennaday	Prince	Starbuck
Cole	Lamont	Robertson	Wagner
Coleman			

21

## FOR THE NEGATIVE.

Woodin	
--------	--

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the counties of Rockland and Delaware," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Kennaday	Robertson	Selkreg
Coleman	Lamont	Rogers	Starbuck
Doolittle	Loomis	St. John	Tobey
Gerard	McCarthy	Sayre	Wagner
Harris	Moore	Schoonmaker	Wellman

20

## FOR THE NEGATIVE.

Booth	
-------	--

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Harris	Morrissey	Schoonmaker
Bradley	Kennaday	Prince	Starbuck
Carpenter	Lamont	Robertson	Tobey
Cole	Loomis	Rogers	Wagner
Coleman	McCarthy	St. John	Wellman
Doolittle			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Frederick Zinsser," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Morrissey	Schoonmaker
Booth	Harris	Prince	Selkreg
Bradley	Lamont	Robertson	Starbuck
Cole	Loomis	Rogers	Tobey
Coleman	McCarthy	St. John	Vedder
Doolittle	Moore	Sayre	Wellman
Emerson			

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of John Christmann and Patrick Dunn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Schoonmaker
Bixby	Gerard	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Carpenter	Lamont	Rogers	Tobey
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Hammond	Prince	Selkreg
Bradley	Harris	Robertson	Starbuck
Cole	Lamont	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the opening of Prospect avenue in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	Moore	Schoonmaker
Booth	Gerard	Morrissey	Starbuck
Bradley	Harris	Robertson	Wagner
Cole	Kennaday	Rogers	Woodin
Coleman	Lamont	St. John	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the formation of road districts, in certain cases, within the corporate jurisdiction of plank and turnpike road compauies, and for the maintenance and improvement of roads therein," having been announced for a third reading,

On motion of Mr. Moore, and by unanimous consent, said bill was amended as follows :

Insert in first section, line 6, after the word "company," "and of the supervisor and commissioner of highways of the town or towns in which such road is situated."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Sayre
Bixby	Harris	Prince	Schoonmaker
Carpenter	Lamont	Robertson	Selkreg



Cole  
Coleman  
Doolittle

Loomis  
McCarthy  
Moore

Rogers  
St. John

Starbuck  
Wagner

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the supervisor of the town of Geneseo, to insure the Geneseo normal and training school," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden  
Bixby  
Bradley  
Carpenter  
Cole  
Coleman

Doolittle  
Emerson  
Gerard  
Lamont  
Loomis  
McCarthy

Moore  
Morrissey  
Prince  
Robertson  
Rogers  
St. John

Schoonmaker  
Selkreg  
Starbuck  
Vedder  
Wagner  
Wellman

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" having been announced for a third reading,

Mr. Gerard moved to recommit said bill to the committee on miscellaneous corporations, with instructions to so amend, that the expense of each foundling shall be limited to \$18 per month.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Avon,' passed April 22, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden  
Bradley  
Carpenter  
Cole  
Doolittle  
Emerson

Gerard  
Harris  
Jacobs  
Lamont  
Loomis

Moore  
Morrissey  
Prince  
Robertson  
St. John

Schoonmaker  
Selkreg  
Starbuck  
Wagner  
Wellman

21

## FOR THE NEGATIVE.

Booth

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act empowering the village of Wellsville to raise by tax a fund for the building of sidewalks," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	Schoonmaker
Bixby	Emerson	Loomis	Vedder
Bradley	Gerard	Moore	Wagner
Carpenter	Hammond	Prince	Wellman
Cole	Harris	Robertson	Woodin
Coleman	Jacobs		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Prince, from the committee on miscellaneous corporations, to which was recommitted the Assembly bill entitled "An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" reported that the committee have made the amendments thereto as instructed, and have directed their chairman to report the same to the Senate.

The Assembly bill entitled "An act to facilitate the distribution of the property and effects of the Asbury Life Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Sayre
Bixby	Harris	Moore	Schoonmaker
Carpenter	Jacobs	Prince	Wagner
Coleman	Lamont	Robertson	Woodin
Doolittle	Loomis	St. John	

19

## FOR THE NEGATIVE.

Bradley	Hammond	Starbuck	Wellman
Emerson			

5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the public cemetery in the village of Port Byron, in the county of Cayuga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Schoonmaker
Bradley	Gerard	Morrissey	Vedder

Carpenter	Harris	Prince	Wagner	
Cole	Jacobs	Robertson	Wellman	
Coleman	Loomis	St. John	Woodin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of Cornelius Flynn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker	
Bixby	Harris	Morrissey	Starbuck	
Booth	Jacobs	Prince	Wagner	
Coleman	Loomis	Robertson	Wellman	
Doolittle	McCarthy	St. John	Woodin	
Emerson				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg	
Bixby	Jacobs	Morrissey	Starbuck	
Carpenter	Lamont	Robertson	Wagner	
Coleman	Loomis	St. John	Wellman	
Doolittle	McCarthy	Schoonmaker	Woodin	
Emerson				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to re-appropriate certain moneys in the treasury heretofore appropriated for the rebuilding of the Glen's Falls feeder to the Champlain canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Jacobs	Moore	Schoonmaker
Carpenter	Kennaday	Morrissey	Tobey

Cole	Lamont	Robertson	Wagner
Coleman	Loomis	St. John	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize certain acts relative to the organization of School district No. 10 of the town of Newtown, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Schoonmaker
Carpenter	Kennaday	Robertson	Starbuck
Coleman	Loomis	Rogers	Tobey
Doolittle	McCarthy	St. John	Wagner
Emerson	Moore	Sayre	Wellman
Gerard			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 129 of the Laws of 1856, entitled 'An act in relation to school district No. 6, in the town of Lyons, Wayne county,' passed April 7, 1856, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Tobey
Coleman	Kennaday	St. John	Wagner
Doolittle	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	Woodin
Gerard	Morrissey	Selkreg	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of Patrick McCabe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	Sayre
Bixby	Jacobs	Morrissey	Schoonmaker

Cole	Kennaday	Prince	Selkreg	
Coleman	Loomis	Robertson	Woodin	
Doolittle	McCarthy	St. John		19

## FOR THE NEGATIVE.

Starbuck				1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act entitled an act to enable the records of the signal service department of the United States to be received and read in evidence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Gerard	Robertson	Starbuck	
Carpenter	Jacobs	Rogers	Vedder	
Cole	Kennaday	St. John	Wagner	
Coleman	Lamont	Sayre	Wellman	
Doolittle	McCarthy	Selkreg	Woodin	
Emerson	Prince			22

## FOR THE NEGATIVE.

Baaden	Moore	Schoonmaker		3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 231 of the Laws of 1874, entitled 'An act for the protection and preservation of fish in that portion of the Wallkill river in the counties of Ulster and Orange,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	St. John	
Bradley	Gerard	McCarthy	Sayre	
Carpenter	Jacobs	Moore	Schoonmaker	
Cole	Kennaday	Robertson	Starbuck	
Coleman	Lamont	Rogers	Wagner	20

## FOR THE NEGATIVE.

Prince	Selkreg			2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 386 of the Laws of 1875, entitled 'An act to further amend the charter of the village of Delhi,' passed May 17, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Selkreg
Bixby	Jacobs	Robertson	Starbuck
Bradley	Kennaday	Rogers	Wagner
Carpenter	Lamont	St. John	Wellman
Doolittle	Loomis	Sayre	Woodin
Gerard	McCarthy	Schoonmaker	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the protection and propagation of fish in the waters of Tonawanda creek, in Genesee county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Schoonmaker
Bixby	Emerson	McCarthy	Selkreg
Bradley	Gerard	Moore	Wagner
Carpenter	Harris	Robertson	Wellman
Cole	Jacobs	Rogers	Woodin
Coleman	Kennaday	St. John	23

## FOR THE NEGATIVE.

Prince	1
--------	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the city court of Yonkers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Harris	Prince	Starbuck
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Sayre	Wellman
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	McCarthy		22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	McCarthy	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	Rogers	Wagner
Carpenter	Lamont	St. John	Wellman
Cole	Loomis	Schoonmaker	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the supervisor of the town of Day, in the county of Saratoga, to re-assess non-resident taxes rejected by the Comptroller," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Starbuck
Carpenter	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Wagner
Coleman	Kennaday	St. John	Woodin
Doolittle	Loomis		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The concurrent resolution in the words following:

"*Resolved* (if the Assembly concur), That section 6 of article 6 of the Constitution be amended so that it shall read, as follows:

§ 6. There shall be one existing supreme court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with two additional justices, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, six in the second judicial district, five in the third judicial district, and four in each of the other districts. The Legislature may alter the districts without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

*Resolved* (if the Assembly concur), That said amendment to said section 6 be referred to the Legislature to be chosen at the next general election of Senators, and that pursuant to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election," having been announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said resolution was amended as follows:

Line 6, printed resolution, strike out the word "two," and insert "three."

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Tobey
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Woodin
Emerson	McCarthy	Schoonmaker	19

FOR THE NEGATIVE.

Starbuck 1

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Buffalo to order to be assessed and to cause to be raised, by local assessments upon the lands deemed to be benefited thereby, the amount of the expense incurred in repairing Abbey street, Mineral road, South Michigan street and Avenue A in said city, upon the petition of a majority of the resident owners in said city whose lands will be liable to be assessed therefor," reported in favor of the passage of the same.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Chicago street in said city," reported in favor of the passage of the same.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet and other streets in said city, and to raise money to pay for the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin moved to take from the table the bill entitled "An act to amend section 47 of title 2, of article 3 of chapter 13 of the first part of the Revised Statutes, relating to the equalization of assessments."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended as follows:

Section 1, line 4, after the words "of the" insert "several." Line 5, strike out the word "county," and insert as follows "respective counties, and may examine the assessor under oath, and any change in the valuation of the personal property of any town or ward shall only be made upon information derived from such examination." Line 6, after "valuations," insert "of real and personal property."



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Vedder
Bixby	Lamont	Rogers	Wagner
Bradley	Loomis	Selkreg	Wellman
Cole	McCarthy	Tobey	Woodin
Doolittle			

17

## FOR THE NEGATIVE.

Carpenter	Emerson	St. John	Schoonmaker
Coleman	Prince	Sayre	Starbuck

8

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to confirm and legalize the official acts of Gabriel S. Corwin as notary public of the county of Genesee since March 30, in the year of our Lord 1875," and the same was ordered to a third reading.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the New York Furniture Board of Trade," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend chapter 48 of the Laws of 1871, entitled 'An act to incorporate the Odd Fellows' Hall Association of Watertown,'" reported in favor of the passage of the same.

On motion of Mr. Starbuck, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to authorize the Associate Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church, heretofore done under the name of the Trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church, under the name of said United Presbyterian Church," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act to amend an act passed May 17, 1875, entitled 'An act supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof,'" reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 381 of the Laws of 1875, entitled 'An act supplemental to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof,'" and said bill was committed to the committee of the whole.

The President presented a remonstrance of ship owners and merchants against the passage of the act to transfer the property of the New York Seamen's Association, to the American Seamen's Friend Society; which was laid upon the table.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to enable the trustees of the village of Skaneateles, in the county of Onondaga to raise money by tax for the payment of certain indebtedness created during the year 1875, and including the year 1876," reported in favor of the passage of the same, with amendments.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act granting the right of way for the purpose of laying out a public highway over lands belonging to the State of New York, situated on the west shore of Lake Keuka, in the town of Jerusalem, in the county of Yates," and the same was ordered to a third reading.

Mr. Loomis moved that the Senate bill entitled "An act in relation to the surplus funds of the town of Unadilla, in Otsego county," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Loomis offered the following :

*Whereas*, The Continental Congress, in the month of October, 1777, by resolution, appropriated the sum of \$500 for the purpose of erecting a monument at the grave of Gen. Nicholas Herkimer, who died from wounds received at the battle of Oriskany, on the 6th day of August, 1777, while commanding the American forces; and,

*Whereas*, Such sum has never been paid over nor invested in such monument by the United States, and the remains of Gen. Herkimer lie buried in the town of Dannube, in the county of Herkimer and State of New York, and no monument has been erected at his grave, or to his memory;

*Resolved* (if the Assembly concur), That the Congress of the United States be, and it is hereby respectfully requested to re-appropriate the said sum of \$500, with interest thereon at the rate of 7 per cent, from October, 1777, for the purpose of the erection of such monument, and if such re-appropriation be made, that the same be paid over to the Comptroller of the State of New York for the purpose aforesaid, and that this preamble and resolution be properly engrossed and certified, and transmitted to Congress.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and the bill entitled "An act to amend chapter 328 of the Laws of 1866, entitled 'An act to provide for the completion of a public

highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose, and the act amending the same, passed April 12, 1871," was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the resolution relative to printing the annual transactions of the State Agricultural Society for the years 1872, 1873, 1874 and 1875, reported the same amended so as to read as follows:

*Resolved* (if the Assembly concur), That the Clerks of the Senate and Assembly be and they are hereby directed to procure to be printed and bound in the usual style 3,000 copies in the aggregate of the annual transactions of the State Agricultural Society for the years 1872, 1873, 1874 and 1875, to make one volume of not exceeding six hundred pages, and distribute the books as follows: 1,000 to the members of the Legislature, 1,000 to the county and town agricultural societies, and 1,000 for the use of the State society; provided that the cost of such books shall not exceed \$1.10 per volume, and that the party holding the contract for legislative printing will so furnish such books at such cost; if not, the same shall not be procured.

Mr. Moore moved that the resolution as amended by the committee on judiciary be adopted.

Mr. St. John moved to amend the resolution by striking out "1,000 for the use of the Legislature," and making the number distributed to the State society, and to county and town agricultural societies, 1,500 copies each.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Gerard moved to amend by striking out the years 1872, 1873 and 1874, changing the number of pages per volume from 600 to 200, and the cost price to fifty cents.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Moore, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Loomis	Robertson	Starbuck
Carpenter	McCarthy	Rogers	Tobey
Coleman	Moore	St. John	Vedder
Doolittle	Morrissey	Sayre	Woodin
Lamont	Prince	Selkreg	

19

#### FOR THE NEGATIVE.

Bixby	Emerson	Harris	Schoonmaker
Bradley	Gerard	Jacobs	Wagner
Cole	Hammond	Kennaday	Wellman

12

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Jacobs moved that the bill entitled "An act to authorize the transfer of the property of the New York Seamen's Association to the American Seamen's Friend Society, and to dissolve said New York Seamen's

Association," be recommitted to the committee on miscellaneous corporations, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Gerard offered the following:

*Resolved* (if the Assembly concur), That the Commissioners of Emigration are hereby instructed to call the attention of the Congress of the United States to the present condition of the immigration laws resulting from the decision of the Supreme Court of the United States, declaring the State laws on that subject unconstitutional and void, and to impress upon Congress the necessity for speedy national legislation in regard thereto, and that said commissioners take such steps as in their judgment may be proper to secure such legislation.

On motion of Mr. Gerard, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Lamont, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to authorize the Associate Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of Trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church," and the same was ordered to a third reading.

Mr. Coleman moved that the committee of the whole be discharged from the further consideration of Assembly bill entitled "An act to establish a board of governors of the House of Industry of the county of Rensselaer, and to provide for the care of the poor and insane in said county," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Cole moved that the committee on the judiciary be discharged from the further consideration of Assembly bill entitled "An act to legalize the action of the board of supervisors of the county of Niagara, concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Gerard moved that the Senate go into executive session at a quarter before two o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of Assembly bill entitled "An act to provide for

the election of a police justice in the town of Watervliet, in the county of Albany," and the same was ordered to a third reading.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to repeal chapter 468 of the Laws of 1874, entitled 'An act to extend and continue and amend the act entitled An act to create a special highway district in the town of Elizabethtown, Essex county, passed May 12, 1869,'" and the same was ordered to a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn," was ordered to a third reading.

The hour of quarter before two o'clock having arrived, the Senate then went into executive session, and after some time spent therein, the doors were opened, and,

On motion of Mr. Cole, the Senate took a recess until half-past seven o'clock P. M.

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#### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Schoonmaker moved that the bill entitled "An act in relation to surrogates' courts," be recommitted to the committee of the whole, and that the same be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to regulate voting in the Western New York Agricultural Society."

"An act in relation to the surplus funds of the town of Unadilla, in Otsego county."

"An act in relation to surrogates' courts."

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. McCarthy, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

The Assembly returned the concurrent resolution authorizing the clerks of the Senate and Assembly to procure to be printed and bound 3,000 copies of the Transactions of the State Agricultural Society, with a message that they had concurred in the passage of the same.

The Assembly returned the concurrent resolution relative to applying to Congress for the re-appropriation of money by the United States Congress for the erection of a monument to Gen. Nicholas Herkimer, with a message that they had concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize the treasurer of Monroe county to collect certain taxes."

"An act to authorize the common council of the city of Syracuse to appropriate and expend \$5,000 towards the expense of celebrating the 4th day of July, 1876."

"An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in the place thereof."

"An act to prohibit the disposal of any part of the public lands on Lake George or the islands thereof."

"An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes."

"An act to make the office of supervisor in the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board."

"An act to amend chapter 101 of the Laws of 1862, entitled 'An act in relation to the support and custody of indigent insane persons of the county of Genesee.'"

"An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the Legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.'"

"An act to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter 433 of the Laws of 1866, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act."

"An act in relation to summary proceedings in the city of New York to recover the possession of lands for non-payment of rent, and for holding over after expiration of term."

"An act to ratify and confirm the proceedings to incorporate Oneida Gas-light Company of Oneida, Madison county, and to legalize and confirm its acts."

"An act to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Jacobs, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide armories and drill rooms, and to provide for payment for the use and occupation of armories, and drill rooms in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend 'An act to regulate the sale of illuminating gas manufactured by the Equity Gas-light Com-

pany of the Eastern District of the city of Brooklyn, and to authorize the laying of mains and conductors in certain wards of said city, passed April 9, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to arrears of taxes and assessments in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide offices and rooms for public purposes in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was recommended the Assembly bill entitled "An act to provide for the creation of a board of charities, and for a better administration of the public charities in the county of Kings," reported in favor of the passage of the same (Mr. Jacobs dissenting), and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act additional to chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn, passed May 6, 1870,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish a ferry across Seneca lake, at Lodi landing,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the Twelfth ward of the city of Brooklyn, passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866,' passed May 20, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to legalize the official acts of D. K. Coon, a justice of the peace of the town of Tyrone, Schuyler county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 294, Laws of 1831, being an act incorporating the village of Plattsburgh, passed April 26, 1831," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to promote the efficiency of common schools, by retiring teachers therein, after thirty years' service, upon a pension," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act supplementary to the 'Act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' passed June 12, 1873," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to enable the Skaneateles Railroad Company to have, own and operate steamboats," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of the heirs at law of John D. Lewis, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in a certain island formed in Jamaica bay, called Ruffle Bar Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 20, 1866, and amended April 22, 1867, April 27, 1871, March 27, 1872, May 14, 1873, and May 19, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to release the interest of the people of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rogers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release to Mary H. Halstead certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.



"An act respecting the powers of the Canal Board, and the adjustment of tolls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act entitled 'An act to amend an act entitled An act to incorporate the city of Cohoes, passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871,' passed March 4, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the city of Cohoes, passed May 19, 1869, and the act amendatory thereof, passed May 11, 1871,' passed March 4, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act further to amend chapter 425 of the Laws of 1855, entitled 'An act to facilitate the forming of agricultural and horticultural societies.'"

Assembly, "An act to legalize the official acts of Frank L. Clark, a justice of the peace of the town of Prattsburgh, in the county of Steuben, and to allow him to take and file his oath of office."

Assembly, "An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society, and for the distribution of the moneys appropriated for the promotion of agriculture."

After some time spent therein the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Assembly returned the bill entitled "An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church,' and supplementary thereto," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. The name of the corporation created by chapter 647 of the Laws of 1872, entitled "An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church," passed May 11, 1872, is the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church; and that portion of section 1 of said act which reads as follows: "Under the name of the 'Shelter Island Camp-meeting Association of the Methodist Episcopal Church,'" is hereby amended so as to read as follows: "Under the name of the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church."

§ 2. Each and every act and deed heretofore done or executed by said corporation, by or in the name of or under the seal of the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church, or the Shelter Island Camp-meeting Association of the Methodist Episcopal Church, shall be deemed and construed, and is hereby declared to be a good and valid act or deed of the corporation, created by said chapter 647 of the Laws of 1872; but this section shall not affect any suit or proceeding now pending.

§ 3. It shall be lawful for the said corporation, at any time hereafter, to reduce its capital stock to such an amount that its capital stock outstanding after such reduction shall, at par, be equal to or exceed \$30,000, and it shall be lawful for said corporation, at any time after it has determined to thus reduce its capital stock, to purchase and cancel so much of its stock as shall then be outstanding, in excess of the amount to which it shall have determined to reduce the same.

§ 4. This act shall take effect immediately.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Bixby	Emerson	McCarthy	Schoonmaker
Booth	Gerard	Morrissey	Starbuck
Carpenter	Harris	Robertson	Wagner
Cole	Jacobs	Rogers	Wellman
Coleman	Kennaday	St. John	Woodin
Doolittle	Loomis	Sayre	

23

**FOR THE NEGATIVE.**

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county," with a message that they had concurred in the passage of the same, with the following amendment:

Section 2, line 5, insert the word "mortgage," after the word "by."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Booth	Gerard	Moore	Schoonmaker
Bradley	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole	Kennaday	Rogers	Vedder
Coleman	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Woodin
Emerson			

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 4, strike out all after the word "paid," down to and including the word "county," in line 5, and insert in lieu thereof the following: "a salary of six hundred dollars per year."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	Moore	Sayre	
Bradley	Gerard	Morrissey	Selkreg	
Carpenter	Harris	Prince	Vedder	
Cole	Kennaday	Robertson	Wagner	
Coleman	Loomis	Rogers	Wellman	
Doolittle	McCarthy	St. John	Woodin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof," with a message that they had concurred in the passage of the same, with the following amendment :

At the end of section 1, insert the following : "But no election or appointment of supervisors shall be made until the annual charter election in 1877, unless a vacancy shall occur in the board of supervisors as constituted prior to the passage of this act."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre	
Booth	Gerard	Moore	Schoonmaker	
Carpenter	Harris	Morrissey	Starbuck	
Cole	Jacobs	Prince	Vedder	
Coleman	Kennaday	Robertson	Wagner	
Doolittle	Loomis	St. John	Wellman	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" with a message that they had concurred in the passage of the same, with the following amendments :

Insert as section 2 the following :

"§ 2. Whenever any land required by a railroad company for the purpose of its road is contained in or forms a part of any street or avenue in any city or village in which the owners of adjoining lands on the line of such street or avenue claim a right of property, or the fee thereof, in such case the notice to be given of the application for the appointment of commissioners, under the special proceedings under the act to acquire title to such land, as well as the notice of hearing before such commissioners, shall be served by the publication of the said notice, twice each week for three weeks, in at least two newspapers published in the county in which such city or village is located, to be designated by the court to which said application is to be made."

Make section 2 section 3.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Birby	Emerson	McCarthy	Schoonmaker
Booth	Gerard	Morrissey	Selkreg
Carpenter	Hammond	Prince	Starbuck
Cole	Harris	Robertson	Wagner
Coleman	Kennaday	St. John	Woodin
Doolittle	Loomis	Sayre	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act in relation to the inspection and running of steamboats on Chautauqua lake," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

SECTION 1. On and after the passage of this act, steam navigation on Chautauqua lake shall be under the superintendence and control of a board of commissioners of navigation, to consist of Orville J. Jennings, Josephus H. Clark and Horatio G. Brooks, and their successors in office, who shall have power and whose duty it shall be to inspect all steam vessels carrying passengers for hire on said lake, their engines, boilers, machinery and equipments, at least once in each year, and also to examine all captains, chief mates and engineers, as to their fitness for their respective positions, and report the result of such inspection and examination in writing, as hereinafter provided.

§ 2. Within thirty days after the passage of this act, said commissioners shall meet and decide, by lot or otherwise, who of them shall hold for three years, who for two years, and who for one year, and the terms of office of each shall expire as so designated, and shall select one of their number as chairman. Vacancies in the office of commissioners, by death, resignation, expiration of term or otherwise shall be filled by the county judge of said county, by an appointment under his hand and the seal of his court, and filed in the clerk's office thereof; and said commissioners shall inspect all steam vessels on said lake used in carrying of passengers for hire on said lake, and shall satisfy themselves that every such vessel so inspected is of a structure suitable for the service in which she is employed, and is in a condition to warrant the belief that she may be used in the navigation of said lake with safety to life, and that all the requirements of this act in regard to pumps or fire extinguishers, boats, life preservers or floats, lights and all other requirements, are faithfully complied with. They shall also fix the maximum number of passengers which each steam vessel shall carry at any one time, and, if they deem it expedient, may direct the vessel to be put in motion, or may adopt any other suitable means to test her sufficiency, and that of her equipments. They shall also inspect the boilers of all such vessels, and shall, by thorough examination, and such tests as they may deem expedient, satisfy themselves that they are well made of suitable material, and properly constructed to insure safety, and fix the maximum working pressure which such boilers may carry. They shall also see that all connections to the boilers and engines are of suitable material, size and

construction, and that the boiler, machinery and appurtenances are such as may be employed in the service performed with safety. They shall also satisfy themselves that the safety valves are of suitable dimensions, and that the weights of the same are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by them, and that there are a sufficient number of gauge-cocks, properly inserted, to indicate the quantity of water, and suitable steam gauges that will correctly show the amount of steam carried, and as to any other matter connected with said steamboat or the machinery thereof that to said commissioners shall appear necessary to the safety of passengers.

§ 3. When the inspection of such vessel, machinery and equipments is completed, and the commissioners approve the vessel, boiler, machinery and equipments and fixtures throughout, they shall make and subscribe duplicate licenses authorizing said vessels to be used for one year, and deliver the same to the captain or person in charge of such vessel, certifying to such approval, in which shall be stated the maximum working pressure which shall be allowed in her boiler; the maximum number of passengers which she shall be permitted to carry at any one time; the number and size of boats and number of life-preservers or floats which she shall be required to carry, one of which certificates shall be retained by the captain of such vessel, and the other shall at all times, while such vessel shall be employed in carrying passengers, be kept posted in a conspicuous place in the vessel where it will be most likely to be observed by passengers. If the commissioners refuse to grant such certificate of approval, they shall make a statement in writing, giving their reasons for disapproving, and deliver the same to the person applying for such examination.

§ 4. On and after the passage of this act, whoever shall use any unlicensed steam vessel on Chautauqua lake in the carrying passengers for hire as provided in this act, or whoever shall permit the same to be used, or shall act as captain, chief mate or engineer thereof, shall be liable to the penalty hereinafter prescribed for each offense, to be sued for and recovered as hereinafter provided.

§ 5. The said board of commissioners shall, upon application, license captains, chief mates and engineers of all steam vessels carrying passengers for hire on Chautauqua lake. And it shall be unlawful to employ any person, or for any person to serve as captain on any such vessel, without having first obtained from said board of commissioners a license, either as captain or chief mate. And it shall be unlawful to employ any person, or for any person to serve as engineer on such vessel who is not licensed by said board as a competent engineer; any person violating this section shall be liable to a penalty of \$50 for each offense, to be sued for and recovered as hereinafter provided.

§ 6. Whenever any person applies to be licensed as captain or chief mate of any such vessel, as above provided, the commissioners shall satisfy themselves as to his character, and shall carefully examine the applicant, as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life and character are such as to warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him duplicate certificates, under their hands, authorizing him to discharge such duties on any such vessel for the term of one year. But such license shall be suspended or revoked by such commissioners upon satisfactory proof of bad conduct, intemperate

habits, incapacity, inattention to his duties, or the willful violation of any of the provisions of this act.

§ 7. Whenever any person shall apply to said commissioners for authority to perform the duties of engineer of any steam vessel to be used on said lake for the carrying of passengers for hire, the board shall examine the applicant as to his knowledge of steam machinery and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such station, they shall grant him duplicate certificates, under their hands, authorizing him to be employed for the term of one year, one of which certificates shall be retained by him and the other delivered to the captain or owner of such vessel, who shall place the same in a conspicuous place in the vessel, where it will be most likely to be observed by the passengers, and there kept at all times. But such license shall be suspended or revoked by such commissioners, upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any of the provisions of this act, Whenever complaint is made against any such licensed engineer, that he has, through negligence or want of skill, permitted the boiler or boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of said board of commissioners, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer.

§ 8. Every steamer on Chautauqua lake, permitted by her certificate to carry one hundred passengers or upwards as hereinbefore provided, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water, the same to be at all times during the navigation of said vessel, kept ready for immediate use, having at least one hundred feet of hose of suitable size and of sufficient strength to stand a pressure of at least seventy-five pounds to the square inch, or in lieu thereof to be provided with such number and kind of good and efficient portable fire extinguishers as in the judgment of the commissioners may be necessary to protect the vessel from fire.

§ 9. Every licensed vessel navigating said lake of the burden of fifty tons or upwards shall have at least one good substantial boat, and as many more as shall be required by said commissioners, with lines attached, and properly supplied with oars and kept in good condition, and at all times to be ready for immediate use, which boat shall be of such dimensions as said board shall determine, and be carried on said vessel in the most convenient manner, to be brought into immediate use when required.

§ 10. Every licensed steam vessel carrying passengers for hire on said lake shall, at all times, while in use for that purpose, be provided with at least one-fourth as many life preservers or floats as the maximum number of passengers which such vessel is permitted to carry, and as many more as said commissioners shall require, which life preservers or floats shall possess a buoyancy of at least eighteen pounds each, which shall be kept in a convenient and accessible place on such vessel, in readiness for immediate use in case of accident.

§ 11. All steam vessels carrying passengers for hire on said lake, as above provided, shall, at all times between sunset and sunrise, while under way, carry in the starboard side a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and on the port side, a red light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screens, or otherwise, so as to prevent them from being seen across the bows.

§ 12. From and after the passage of this act the following sailing rules shall be observed in navigating all steam vessels on Chautauqua lake, carrying passengers for hire:

1. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

2. If two vessels under steam are crossing, so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way of the other.

3. Every steam vessel, when approaching another vessel or boat of any kind, so as to involve the risk of collision, shall slacken her speed, or, if necessary, stop and reverse, and in case of a fog so dense that such steam vessel could not be seen for at least one-half mile, she shall slacken her speed, and sound her whistle every five minutes.

4. A vessel overtaking another vessel, shall keep out of the way of the last mentioned vessel.

5. In construing or obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist, rendering a departure therefrom necessary, in order to avoid immediate danger.

§ 13. The commissioners under this act shall receive a compensation of ten dollars per day for every day employed in the business of the commission, to be paid by the parties applying for their services, in proportion to the time occupied for them respectively.

§ 14. Whenever the motion or headway of the vessel is slackened or stopped, the safety valve shall be opened so that the steam shall be kept down as practicable to the amount usually required to run the same.

§ 15. For each and every violation of the provisions of this act, the owner or owners, captain and engineer shall be jointly and severally liable to pay a penalty of \$50 for each provision so violated, to be sued for and recovered as hereinafter provided.

§ 16. All steamboats aforesaid, when landing or lying at docks or wharves, or other landing places, shall conform to such rules and regulations as said commissioners may prescribe.

§ 17. The several penalties of this act may be sued for and recovered before any justice of the peace of Chautauqua county, or in any court of record having cognizance of the same, by, or in the name of any person making complaint thereof, or by or in the name of any of the superintendents of the poor of the county of Chautauqua, and if sued for in the

name of such superintendents, the penalty, when collected, shall be paid one-half to the complainant, and one-half to the superintendents for the benefit of the poor of said county. If sued for in the name of the complainant, he shall give satisfactory security, at the time of commencing his action, for the payment of all costs in the event of failure to recover, and in case of recovery the judgment thereof, when recovered, shall belong and be payable one-half to said complainant, and one-half to said superintendents of the poor.

§ 18. This act shall take effect immediately.

Amend title so as to read: "An act for the regulation of steam navigation on Chautauqua lake."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	St. John
Booth	Emerson	Moore	Sayre
Bradley	Gerard	Morrissey	Schoonmaker
Carpenter	Harris	Prince	Vedder
Cole	Kennaday	Robertson	Wagner
Coleman			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the direction of the Richmond County Storage and Business Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to reduce the expenses of judicial sales in the county of Kings," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act relating to the expenses of judicial sales in the county of Kings," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to district justices courts in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of Jacob Waller as commissioner of deeds in and for the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 200 of the Laws of 1875, entitled 'An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased,'" reported in favor of the passage of the same.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled



'An act to provide for the purchase of a new school-house site and erection of a new school-house thereon, and for the sale of the present school-houses and sites in school district No. 2 of the town of Kinderhook, county of Columbia,' passed April 21, 1874," reported in favor of the passage of the same.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal part of chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April 20, 1871,'" reported in favor of the passage of the same (Messrs. Bradley, Robertson and Prince dissenting), and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the action of the board of supervisors of the county of Niagara, concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties," reported in favor of the passage of the same.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 484 of the Laws of 1862, entitled 'An act in relation to the courts in the city and county of New York,' passed April 24, 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street, in said city, and to raise money to pay for the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Booth, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the Clyde High School in the village of Clyde, Wayne county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the resolution for printing 200 copies of the report of the Canal Commissioners, with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the word "concur," and insert as follows:

"That there be printed 2,000 copies of the Annual Report of the Canal Commissioners for the year ending September 30, 1875, for the use of the Legislature, and that they be printed without the maps usually accompanying the same."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Schoonmaker
Booth	Harris	Prince	Selkreg
Cole	Jacobs	Robertson	Starbuck
Doolittle	Kennaday	St. John	Vedder
Emerson	Loomis	Sayre	

19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That the Governor be authorized to appoint a commission to consist of twelve persons, to be selected, one-half from persons practically engaged in mechanical and manual labor, and one-half from employers of such labor, whose duty it shall be to investigate the relations between capital and labor, and to report to the next Legislature such measures touching the hours of labor of laboring men and of persons employed in trades and in manufactures, and particularly in regard to the employment of women and children, and in respect to other questions affecting the interest of employes, operators and laborers, as they shall deem within the competency of legislation, and calculated to establish equal and harmonious relations between capital and labor. Such commissioners to serve without compensation, but to be paid their actual and necessary expenses incurred in the conduct of such investigation.

*Ordered*, That said resolution be laid upon the table.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain moneys in the hands of said railroad commissioners, arising out of the sale of the railroad stock of said town."

Assembly, "An act to abolish the office of railroad commissioner in the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners."

"An act in relation to highways in the village of Catskill, in the county of Greene."

After some time spent therein, the President resumed the chair, and Mr. Selkreg, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Selkreg, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the committee on militia, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers who served in the war with Mexico,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the Assembly bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled the Military Code'" reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for submitting amendments to the Constitution to the electors of the State."

Assembly, "An act to amend the charter of the American Institute of the city of New York."

"An act to further amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Cole, from the committee on canals, to which was referred the Assembly bill entitled "An act respecting the powers of the Canal Board and the adjustment of tolls," reported in favor of the passage of the same.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 294 of the Laws of 1831, being an act incorporating the village of Plattsburgh, passed April 26, 1831," reported in favor of the passage of the same.

On motion of Mr. Tobey, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 56 of the Laws of 1871, entitled 'An act to provide a further supply of pure and wholesome water for the city of New York.'"

Assembly, "An act to amend an act entitled 'An act to provide for a public park in the city of Lockport.'"

Assembly, "An act to amend chapter 234 of the Laws of 1838, entitled 'An act to incorporate the Peekskill Academy.'"

After some time spent therein, the President resumed the chair, and Mr. Doolittle, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 692 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act to establish and maintain a police force in the city of Cohoes.'"

"An act to amend an act entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873."

"An act for the protection of speckled trout, bass, woodcock, quail and partridge, in the county of Chemung."

After some time spent therein, the President resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county."

"An act to amend chapter 837 of the Laws of 1869, entitled 'An act to extend Bedford avenue and Herkimer street, to widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn.'"

"An act to close part of Bedford place, in the city of Brooklyn."

After some time spent therein the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Woodin moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend title 2, chapter 5 of part 3 of the Revised Statutes, entitled 'Proceedings to compel the determination of claims against real property in certain cases.'"

Assembly, "An act to further amend the act entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,' passed April 6, 1859."

Assembly, "An act to amend chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,' passed May 20, 1874."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the

first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Selkreg, the Senate adjourned.

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### SATURDAY, APRIL 29, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Prince, the reading of the journal of yesterday was dispensed with.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rogers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled "An act to enable the Skaneateles Railroad Company to have, own and operate steamboats," reported in favor of the passage of the same.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act for the preservation of fish in the waters of Oak Orchard creek, in the counties of Genesee and Orleans, and all the streams, lakes, ponds or other waters in the county of Orleans," reported the same for the consideration of the Senate.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Buffalo to appoint Jubilee Water Commissioners," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Chicago street in said city."

"An act to authorize the common council of the city of Buffalo to order to be assessed and to cause to be raised, by local assessment upon

the lands deemed to be benefited thereby, the amount of the expense incurred in repairing Abbey street, Mineral road, South Michigan street and Avenue A in said city, upon a petition of a majority of the resident owners in said city whose lands will be liable to be assessed therefor."

"An act in relation to highways in the village of Catskill, in the county of Greene."

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to provide for submitting amendments to the Constitution to the electors of the State."

"An act to amend chapter 692 of the Laws of 1870, entitled 'An act to amend an act entitled An act to establish and maintain a police force in the city of Cohoes.'"

"An act to amend chapter 837 of the Laws of 1869, entitled 'An act to extend Bedford avenue and Herkimer street, to widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn.'"

"An act for the protection of speckled trout, bass, woodcock, quail and partridge, in the county of Chemung."

"An act to amend title 2, chapter 5 of part 3 of the Revised Statutes, entitled 'Proceedings to compel the determination of claims against real property in certain cases.'"

"An act to amend an act entitled 'An act amending chapter 837 of the Laws of 1868, and chapter 623 of the Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1873."

"An act in relation to surrogates' courts."

"An act to close part of Bedford place, in the city of Brooklyn."

"An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county."

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act supplementary to the act entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' passed June 12, 1873," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act supplementary to chapter , Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the mortgaging and sale of lands belonging to the estate of Jesse Brown, deceased," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1876, and to provide for deficiencies in former

appropriation," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part, consisting of Messrs. Burleigh, Gallagher, Fiske, Cleary and Crosby.

Mr. Cole moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Cole, Bradley and Rogers.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that they have appointed a committee of conference thereon.

The Assembly returned the bill entitled "An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor," with a message that they have agreed to the report of the committee of conference thereon in the words following:

The committee of conference, to whom was referred the matters of difference between the two Houses, upon the Assembly bill entitled "An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor," beg leave to submit the following report:

That they met and have duly considered such matters of difference, and have agreed to recommend that the Assembly do recede from the following amendment to the amendment of the Senate to the bill, adopted in Assembly, April 25, 1876, to wit:

In line 1, after the name of "Louis D. Pillsbury" insert the name of "Frank H. Atkinson," and in line 7, strike out the words "five years" and insert the words "six years." In line 7, strike out the words "five years" and insert the words "six years." In line 8, after the name of "Louis D. Pillsbury" insert the name of "Frank H. Atkinson," and the words "for five years."

All which is respectfully submitted.

WM. B. WOODIN,  
A. J. WELLMAN,  
*Senate Committee.*

GEO. I. POST,  
GEO. B. SLOAN,  
ISAAC J. HAYES,  
R. U. SHERMAN,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Sayre
Carpenter	Gerard	Robertson	Selkreg
Cole	Harris	Rogers	Wellman
Coleman	Jacobs	St. John	Woodin
Doolittle	McCarthy		

18

FOR THE NEGATIVE.

Bradley	Schoonmaker	Starbuck
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to enable the trustees of the village of Skaneateles, in the county of Onondaga, to raise money for the payment of certain indebtedness created during the year 1875, and the period subsequent thereto, and including the year 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Schoonmaker
Bradley	Gerard	Robertson	Selkreg
Carpenter	Harris	Rogers	Starbuck
Cole	McCarthy	St. John	Wellman
Coleman	Moore	Sayre	Woodin
Doolittle	Morrissey		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the purchase of a new school-house site and erection of a new school-house thereon, and for the sale of the present school-houses and sites in school district No. 2 of the town of Kinderhook, county of Columbia,' passed April 21, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Sayre
Booth	Gerard	Moore	Schoonmaker
Carpenter	Hammond	Morrissey	Selkreg
Cole	Harris	Prince	Starbuck
Coleman	Jacobs	Robertson	Vedder
Doolittle	Loomis	St. John	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 108 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Emerson	Morrissey	Schoonmaker
Carpenter	Gerard	Prince	Selkreg
Cole	Harris	Robertson	Starbuck
Coleman	Jacobs	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.



The Assembly bill entitled "An act to provide for the compensation of members of the board of supervisors of the county of Oneida," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg	23
Bradley	Gerard	Robertson	Starbuck	
Carpenter	Harris	Rogers	Vedder	
Cole	Jacobs	St. John	Wellman	
Coleman	McCarthy	Sayre	Woodin	
Doolittle	Morrissey	Schoonmaker		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Chicago street, in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Selkreg	20
Bradley	Gerard	Robertson	Starbuck	
Carpenter	Harris	Rogers	Vedder	
Cole	Jacobs	St. John	Wellman	
Coleman	McCarthy	Schoonmaker	Woodin	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the protection of speckled trout, bass, woodcock, quail and partridge in the county of Chemung," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	20
Bradley	Emerson	Robertson	Selkreg	
Carpenter	Gerard	Rogers	Vedder	
Cole	Hammond	St. John	Wellman	
Coleman	Harris	Sayre	Woodin	

## FOR THE NEGATIVE.

Jacobs	Morrissey	Prince	Starbuck	4
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 837 of the Laws of 1869, entitled 'An act to extend Bedford avenue and Herkimer street, and to .

widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Selkreg
Bradley	Hammond	Robertson	Starbuck
Cole	Harris	Rogers	Vedder
Coleman	Jacobs	St. John	Wellman
Doolittle	McCarthy	Schoonmaker	Woodin
Emerson	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 692 of the Laws of 1870, entitled 'An act to amend an act entitled An act to establish and maintain a police force in the city of Cohoes,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Bradley	Hammond	Robertson	Vedder
Cole	Harris	Rogers	Wellman
Coleman	Kennaday	St. John	Woodin
Doolittle	McCarthy	Schoonmaker	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for submitting amendments to the Constitution to the electors of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Vedder
Cole	Jacobs	St. John	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Morrissey		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	
Bradley	Emerson	Morrissey	Selkreg	
Carpenter	Gerard	Prince	Starbuck	
Cole	Harris	Robertson	Vedder	
Coleman	Jacobs	St. John	Wellman	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to highways in the village of Catskill, in the county of Greene," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg	
Bradley	Gerard	Prince	Starbuck	
Carpenter	Hammond	Robertson	Vedder	
Cole	Harris	St. John	Wellman	
Coleman	Jacobs	Schoonmaker	Woodin	
Doolittle	McCarthy			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Buffalo to order to be assessed and cause to be raised by local assessment, upon the lands deemed to be benefited thereby, the amount of the expense incurred in repairing Abbey street, Mineral road, South Michigan street and Avenue A, in said city, upon a petition of a majority of the resident owners in said city whose lands will be liable to be assessed therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg	
Bradley	Gerard	Robertson	Starbuck	
Carpenter	Hammond	Rogers	Vedder	
Cole	Harris	St. John	Wellman	
Coleman	Jacobs	Schoonmaker	Woodin	
Doolittle	McCarthy			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to surrogates' courts," being announced for a third reading,

On motion of Mr. Schoonmaker, and by unanimous consent, said bill was amended as follows:

Section 11, line 14, printed bill, strike out the word "which" and insert the word "the," and after the word "certificate" insert the words "of the decision."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Selkreg
Bradley	Jacobs	Rogers	Starbuck
Carpenter	McCarthy	St. John	Vedder
Cole	Morrissey	Sayre	Wellman
Coleman	Prince	Schoonmaker	Woodin
Doolittle			

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the official acts of D. K. Coon, a justice of the peace of the town of Tyrone, Schuyler county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Jacobs	St. John
Bradley	Emerson	McCarthy	Schoonmaker
Carpenter	Gerard	Morrissey	Starbuck
Cole	Hammond	Robertson	Vedder
Coleman	Harris	Rogers	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the action of the board of supervisors of the county of Niagara, concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Hammond	Rogers	Vedder
Cole	Harris	St. John	Wellman
Coleman	Jacobs	Schoonmaker	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 200 of the Laws of 1875, entitled 'An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Gerard	Morrissey	Starbuck
Carpenter	Hammond	Robertson	Vedder
Cole	Harris	Rogers	Wellman
Coleman	Jacobs	St. John	Woodin
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act respecting the powers of the Canal Board, and the adjustment of tolls," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Sayre
Bradley	Gerard	Prince	Selkreg
Carpenter	Hammond	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder
Coleman	McCarthy	St. John	Woodin
Doolittle			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for a public park in the city of Lockport,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Sayre
Bradley	Gerard	Prince	Schoonmaker
Carpenter	Hammond	Robertson	Selkreg
Cole	Harris	Rogers	Vedder
Coleman	Jacobs	St. John	Woodin
Doolittle	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 56 of the Laws of 1871, entitled 'An act to provide a further supply of pure and whole-some water for the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Schoonmaker
Bradley	Gerard	Robertson	Selkreg
Carpenter	Harris	Rogers	Starbuck
Cole	Jacobs	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Doolittle	Morrissey		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 425 of the Laws of 1855, entitled 'An act to facilitate the forming of agricultural and horticultural societies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Hammond	Rogers	Vedder
Cole	Jacobs	St. John	Wellman
Coleman	McCarthy	Sayre	Woodin
Doolittle	Morrissey	Schoonmaker	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to legalize the official acts of Frank L. Clark, a justice of the peace of the town of Prattsburgh, in the county of Steuben, and to allow him to take and file his oath of office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Schoonmaker
Bradley	Gerard	Prince	Selkreg
Carpenter	Hammond	Robertson	Starbuck
Cole	Harris	Rogers	Vedder
Coleman	Jacobs	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society, and for the distribution of the moneys appropriated for the promotion of agriculture," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Selkreg
Bradley	Gerard	Rogers	Starbuck
Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain moneys in the hands of said railroad commissioners arising out of the sale of the railroad stock of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Selkreg
Bradley	Gerard	Rogers	Starbuck
Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to abolish the office of railroad commissioner in the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Selkreg
Booth	Gerard	Rogers	Starbuck
Bradley	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wellman

Coleman	McCarthy	Schoonmaker	Woodin	
Doolittle				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to regulate voting in the Western New York Agricultural Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Selkreg	
Booth	Emerson	Rogers	Starbuck	
Bradley	Gerard	St. John	Vedder	
Carpenter	Harris	Sayre	Wellman	
Cole	Jacobs	Schoonmaker	Woodin	
Coleman	McCarthy			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,' passed May 20, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	
Booth	Emerson	Robertson	Starbuck	
Bradley	Gerard	Rogers	Vedder	
Carpenter	Harris	St. John	Wellman	
Cole	Jacobs	Sayre	Woodin	
Coleman				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to further amend the act entitled 'An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school,' passed April 6, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Robertson	Starbuck



Bradley	Gerard	Rogers	Vedder	23
Carpenter	Hammond	St. John	Wellman	
Cole	Harris	Sayre	Woodin	
Coleman	Jacobs	Schoonmaker		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 284 of the Laws of 1838, entitled 'An act to incorporate the Peekskill academy,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg	23
Booth	Emerson	Robertson	Starbuck	
Bradley	Gerard	Rogers	Vedder	
Carpenter	Hammond	St. John	Wellman	
Cole	Harris	Sayre	Woodin	
Coleman	Jacobs	Schoonmaker		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to close part of Bedford place in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker	17
Booth	Gerard	Prince	Selkreg	
Bradley	Harris	Robertson	Wellman	
Carpenter	Jacobs	St. John	Woodin	
Coleman				

#### FOR THE NEGATIVE.

Cole	Rogers	Starbuck	Vedder	6
Emerson	Sayre			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Callicoon Bridge Company, in Sullivan county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Gerard	Rogers	Vedder
Carpenter	Hammond	St. John	Wellman
Cole	Harris	Sayre	Woodin
Coleman	Jacobs	Schoonmaker	

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal Church of the town of Carlton, Orleans county, located at Kuckville in said town, and to authorize the removal of the dead from said ground," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Selkreg
Booth	Emerson	Rogers	Starbuck
Bradley	Hammond	St. John	Vedder
Carpenter	Harris	Sayre	Wellman
Cole	Jacobs	Schoonmaker	Woodin
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize James C. McAndrew to take, hold and convey real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Starbuck
Bixby	Emerson	Rogers	Tobey
Bradley	Hammond	St. John	Vedder
Carpenter	Jacobs	Sayre	Wellman
Cole	McCarthy	Schoonmaker	Woodin
Coleman	Prince	Selkreg	

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm and legalize the acts of Gabriel S. Corwin, as notary public of the county of Genesee, since March 30, in the year of our Lord 1875," was read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Prince	Selkreg
Booth	Gerard	Robertson	Starbuck
Carpenter	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 48 of the Laws of 1871, entitled 'An act to incorporate the Odd Fellows' Hall Association of Watertown,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Prince	Schoonmaker
Booth	Emerson	Robertson	Starbuck
Bradley	Gerard	Rogers	Tobey
Carpenter	Harris	St. John	Vedder
Cole	McCarthy	Sayre	Wellman
Coleman	Morrissey		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act granting the right of way for the purpose of laying out a public highway over lands belonging to the State of New York situated on the west shore of lake Keuka, in the town of Jerusalem, in the county of Yates," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Schoonmaker
Booth	Harris	Robertson	Selkreg
Bradley	Kennaday	Rogers	Starbuck
Coleman	McCarty	St. John	Tobey
Doolittle	Morrissey	Sayre	Wellman
Emerson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 468, Laws of 1864, entitled 'An act to extend and continue and amend the act entitled An act to create a special highway district in the town of Elizabethtown, Essex county, passed May 12, 1869,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Selkreg
Booth	Emerson	Rogers	Starbuck
Bradley	Hammond	St. John	Tobey
Cole	Harris	Sayre	Vedder
Coleman	McCarthy	Schoonmaker	Wellman
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 227 of the Laws of 1873, entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Booth	Hammond	St. John	Tobey
Bradley	Jacobs	Sayre	Vedder
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Prince	Selkreg	Woodin
Emerson			
			21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Rogers	Starbuck
Booth	Gerard	St. Johns	Tobey
Bradley	Hammond	Sayre	Vedder
Cole	Jacobs	Schoonmaker	Wellman
Coleman	McCarthy	Selkreg	Woodin
Doolittle	Robertson		
			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a board of governors of the House of Industry of the county of Rensselaer, and to provide for the care of the poor and insane in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a major-

ity of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Bradley	Harris	St. John	Vedder
Carpenter	Jacobs	Schoonmaker	Wellman
Cole	McCarthy	Selkreg	Woodin
Doolittle	Prince		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the Associate Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Prince	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Hammond	Rogers	Vedder
Carpenter	Harris	St. John	Wellman
Cole	Jacobs	Sayre	Woodin
Coleman	McCarthy	Schoonmaker	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 328 of the Laws of 1866, entitled 'An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose, and the act amending the same,' passed April 12, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Robertson	Starbuck
Booth	Gerard	Rogers	Tobey
Bradley	Harris	St. John	Vedder
Cole	Jacobs	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Prince		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the charter of the American Institute of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Jacobs	St. John
Booth	Doolittle	McCarthy	Sayre
Bradley	Emerson	Prince	Tobey
Carpenter	Gerard	Robertson	Vedder
Cole	Harris	Rogers	

19

## FOR THE NEGATIVE.

Starbuck 1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the election of a police justice in the town of Watervliet, in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Prince	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	McCarthy	Sayre	Wellman
Coleman	Morrissey	Schoonmaker	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend title 2, chapter 5, of part 3 of the Revised Statutes, entitled 'Proceedings to compel the determination of claims against real property in certain cases,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Prince	Schoonmaker
Bradley	Hammond	Robertson	Tobey
Cole	Harris	Rogers	Vedder
Coleman	Jacobs	St. John	Wellman

20

## FOR THE NEGATIVE.

Starbuck 1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Buffalo to appoint jubilee water commissioners," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Starbuck
Booth	Emerson	Rogers	Tobey
Bradley	Gerard	St. John	Vedder
Carpenter	Harris	Sayre	Wellman
Cole	McCarthy	Schoonmaker	Woodin
Coleman	Prince	Selkreg	

23

When the name of Mr. Gerard was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Gerard subsequently voted in the affirmative.

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to enable the Skaneateles Railroad Company to have, own and operate steamboats," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Robertson	Selkreg
Bradley	Emerson	Rogers	Starbuck
Carpenter	Harris	St. John	Tobey
Cole	Jacobs	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cole presented the following report:

The conference committee appointed by the Senate and Assembly, to consider and determine the differences arising between the two Houses upon the bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1876, and to provide for deficiencies in former appropriation," having met and considered the same, do hereby report that the amendment made thereto by the Senate, shall be amended so as to read as follows:

"For the expenses of collection of tolls, superintendence, maintenance and all repairs of the Chemung canal for the fiscal year, the sum of ten thousand dollars, in addition to amount hitherto charged and chargeable up to and on account of the expenses of that canal for this fiscal year; and any existing limitation upon the expenditure of the sum so appropriated is, for the purpose hereby suspended."

And that the amendment made by the Senate shall be so amended as to read as follows: "For the expenses of collection of tolls, the superintendence, maintenance and all repairs of the Genesee Valley canal, for the fiscal year, the sum of forty thousand dollars, or so much thereof as may be necessary, in addition to the amount hitherto charged and chargeable up to and on account of the expenses of that canal for this fiscal year, and any existing limitation upon the expenditure of the sum so appropriated is, for the purpose thereof suspended."

And the Senate amendments thus amended, are adopted by the conference, and the passage thereof recommended.

DAN H. COLE,  
GEO. B. BRADLEY,  
SHERMAN G. ROGERS,  
*Com. on part of Senate.*

H. G. BURLEIGH,  
E. GALLAGHER,  
FRED. C. FISKE,  
ALEX. H. CROSBY,  
*Com. on part of Assembly.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Prince	Selkreg
Booth	Emerson	Robertson	Starbuck
Bradley	Gerard	Rogers	Vedder
Carpenter	Harris	St. John	Wellman
Cole	Jacobs	Sayre	Woodin
Coleman	McCarthy	Schoonmaker	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to amend chapter 346 of the Laws of 1870, entitled 'An act authorizing the election of a police justice in the village of Tonawanda,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal certain acts and parts of acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence the bill entitled as follows:

"An act to authorize the village of Moravia, in the county of Cayuga, to assess, levy and collect a certain sum for procuring lamps to light the streets of said village," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Coleman	McCarthy	Schoonmaker
Booth	Doolittle	Robertson	Selkreg



Bradley  
Carpenter  
Cole

Gerard  
Harris  
Jacobs

Rogers  
St. John  
Sayre

Starbuck  
Wellman  
Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Carpenter asked and obtained leave to introduce a bill entitled "An act to amend chapter 451 of the Laws of 1874, entitled 'An act to amend the several acts in relation to State prisons,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in a certain island formed in Jamaica bay, called Ruffle Bar Island," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 556 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the instruction of common school teachers, passed June 17, 1853, passed April 13, 1855.'"

Assembly, "An act supplementary to chapter 291 of the Laws of 1869, entitled 'An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary.'"

Assembly, "An act in relation to the Western New York Institution for Deaf Mutes."

After some time spent therein, the President resumed the chair, and Mr. St. John, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. St. John, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Assembly returned the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," with a message that they had passed the same, with the following amendment:

Strike out all after the enacting clause, and insert the following:

SECTION 1. Sections one, two, six, seven, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, thirty-six, forty and forty-one of chapter seven hundred and twenty-one of the Laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-six, eighteen hundred and seventy-one, are hereby further amended so as to read as follows:

§ 1. No person shall kill or chase any moose or wild deer, in any part of the State, save only during the months of September, October and November, in any year. No person shall sell, expose for sale, transport or have in his or her possession, in this State, after the same has been killed, any moose, wild deer, or fresh venison, save only during the months of September, October, November and December.

No person shall, at any time, in this State, kill any fawn during the time when it is in its spotted coat, or have in his or her possession the carcass or fresh skin of such fawn after the same shall have been killed. No person shall, in any part of this State, set any trap, spring-gun or other device at any artificial salt-lake, or other place, for the purpose of trapping and killing any moose or deer. It shall not be lawful to pursue deer with hounds in any county in this State, except from the fifteenth day of September to the fifteenth day of November; nor in the county of Steuben at any time. It shall not be lawful for any person to kill or cause to be killed any wild deer in the county of Suffolk, except from the first day of November until the fifteenth day of November in each year. It shall not be lawful for any person, at any time, to kill, or cause to be killed any wild deer while standing, walking, running, swimming, or lying down in any of the waters, ponds or streams of the county of Suffolk. Any person offending against any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and in addition shall be liable to a penalty of fifty dollars for each moose or wild deer or fawn so killed or pursued or trapped, and for every spring-gun so set, or moose or wild deer or fawn skin or fresh venison had in his or her possession, and may be proceeded against therefor in any county of the State in which the offender or prosecutor may reside.

§ 2. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any wild duck, goose or brant, between the first day of May and the first day of September, under a penalty of twenty-five dollars for each and every one killed or had in possession; and no person shall at any time kill any of said birds between sunset and daylight, nor pursue nor fire at any of said birds with the aid of any light or lantern, under the same penalty for each bird so killed or pursued or fired at.

§ 6. No person shall kill or expose for sale, or have in his possession after the same has been killed, any woodcock, between the first day of February and the first day of (September) in each year, under a penalty of fifty dollars, except on Long Island, where it shall be lawful to kill or expose for sale or have the same in possession at any time, except between the first day of January and the third day of July.

§ 7. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any quail, between the first day of January and the twentieth day of October (under a penalty of ten dollars for each bird). No person shall kill or expose for sale, or have in his or her possession after the same has been killed (except in the counties bordering on lake Ontario and the St. Lawrence river and the counties of Genesee, Livingston and Seneca), any hare or rabbit, between the first day of January and the twentieth day of October, nor shall any person at any time kill or hunt as aforesaid, any hare or rabbit with ferrets, under a penalty of ten dollars for each hare or rabbit.

§ 14. No person shall, at any time or place within this State, take or kill any ruffed grouse, commonly called partridge, any pinnated grouse, commonly called prairie chicken, or any quail, with any net, trap or snare, nor set any such net, trap or snare for the purpose of taking or killing any of said birds; nor shall any person sell or expose for sale or have in his or her possession any of said birds after the same shall have been so taken or killed, under a penalty of (ten dollars) for each

bird. And it shall be lawful for any person to take and destroy any such nets, traps or snares whenever found set.

§ 15. There shall be no shooting, hunting, trapping or caging of bird or wild beast, or having in possession in the open air, the implements for the shooting, hunting, trapping or caging of the same, on the first day of the week called Sunday. And any person violating the provisions of this section shall be liable to a penalty of not more than twenty-five dollars nor less than ten dollars for each offense.

§ 16. Any person who shall knowingly trespass upon lands, for the purpose of shooting, hunting or fishing thereon, after public notice by the owner or occupant thereof, as provided in the following section, shall be liable to such owner or occupant, in exemplary damages, to an amount not exceeding (ten dollars), and shall also be liable to such owner or occupant for the value of the game killed or taken. The possession of implements of shooting or fishing shall be presumptive evidence of the purpose of the trespass.

§ 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign boards, at least one foot square, in at least two conspicuous places on the premises; such notices to have appended thereto the name of the owner or occupant; and any person who shall tear down or in any way deface or injure any such sign board, shall be liable to a penalty of ten dollars.

§ 18. No person or corporation shall throw or deposit or permit the same to be thrown or deposited, any coal tar, refuse from gas-houses or dye-houses, or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds or streams of this State, wherein provision is made by law for the protection of fish. Whoever shall offend against the provisions of this section shall forfeit not to exceed fifty dollars, in the discretion of the court having cognizance, for each offense.

§ 19. No person shall, at any time, catch any speckled trout with any device save that of angling, except in waters which are wholly private, and only then by permission of the owner thereof; nor shall any person set or draw any net or seine of any description, nor use any set-line in any lake, pond or stream inhabited by brook trout, nor have on the shores thereof any net, seine, set-line or other unlawful device, for the taking of fish, except as above provided. And any person who shall offend against any of the provisions of this section shall, for each offense, forfeit a sum not less than ten dollars nor more than twenty-five dollars, in the discretion of the court having cognizance of the offense; and all nets, seines and other devices forbidden by this section are hereby declared contraband, and any person finding the same in any place where they are forbidden, is authorized to destroy such contraband articles, and no action for damage shall lie against him for such destruction.

§ 20. No person shall kill, or expose for sale, or have in his or her possession after the same has been killed, any speckled trout, save only from the fifteenth day of March to the first day of September, under a penalty not exceeding twenty-five dollars for each fish.

§ 25. No person shall kill or catch any fish, except minnows, in the Mohawk or Clyde rivers, or their tributaries, Irondequoit bay, Braddock's bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond, in the county of Monroe, or in the inlets thereof, or in the waters of Niagara river in the county of Erie, or in the lakes in the counties of Westchester, Rockland, Wyoming, Clinton, Columbia,

Dutchess, Ulster, Onondaga, Genesee, Orange, Putnam, Herkimer, Rensselaer, Saratoga, Sullivan, Tioga, Cortland, Broome and Livingston, or in the inlets thereof, or in the canals or feeders in the county of Herkimer, by any trap, dam, weir, net, seine or by any device whatever, other than that of angling with hook and line, or with a spear, under a penalty of twenty-five dollars for each offense. All fishing in the aforesaid Braddock's bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond, in the county of Monroe, in the months of January, February and March, or either, is hereby prohibited and forbidden; and no person shall take or catch any black or Oswego bass in the waters of Lake George, except from the twelfth day of July to the first day of January, under a penalty of ten dollars for each fish so taken.

§ 36. Any justice of the marine or district court in the city of New York, or any justice of the peace, police or other magistrate, upon receiving sufficient security for costs, on the part of the complainant, and sufficient proof by affidavit, that any of the provisions of this act have been violated by any person being temporarily within its jurisdiction, but not residing there permanently, or by any person whose name and residence are unknown, is hereby authorized to issue his warrant for the arrest of such offender, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof of probable cause for believing in the concealment of any game or fish mentioned in this act, [and taken within this State] during any of the periods prohibited [and upon the complainant's giving security, to be approved by such magistrate, for the damage which the defendant in the case may sustain in consequence of the complaint, provided he shall be found not to have violated the law], shall issue his search-warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, locker, crate or basket to be broken open and the contents examined. Any court of special sessions is hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county.

§ 40. Any person having in his possession on the shores of any lake, or on the banks of, or upon any waters inhabited by salmon, salmon trout, lake trout, black or Oswego bass, or muscalonge, during the closed season, without the permission of the commissioner of fisheries, any snares, nets, stake-poles, or other devices used in unlawfully taking such fish, shall be liable to a penalty of [twenty-five] dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy.

§ 41. No person shall place in any fresh water stream, lake or pond any lime or other deleterious substance, or any drug or medicated bait, with the intent thereby to injure, poison or catch fish; nor place in any pond or lake, stocked with or inhabited by trout, any bass, pike, pickerel or sun-fish, or any drug or other deleterious substance, with the intent to destroy such trout. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, in addition thereto, and in addition to any damage he may have done, be liable to a penalty of one hundred dollars.

§ 2. The above recited act is hereby further amended by adding thereto the following supplementary provisions:

§ 48. No person shall take in any of the tide-waters of this State, nor have in his possession during the months of November, December, January, February, March and the first fifteen days of April, any of the shell fish called crabs. Whoever shall offend against the provisions of this section shall pay a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

§ 49. Every offense committed against the provisions of this act shall be a misdemeanor, and courts of special sessions in towns and in villages, and the several courts in cities having jurisdiction to try other misdemeanors, shall have jurisdiction to try offenders in all cases occurring under this act in the same manner as in other cases where they now have jurisdiction, and to render and enforce judgment accordingly.

§ 50. It shall be the duty of every sheriff, under sheriff, deputy sheriff, officer of police or policeman, and of every constable and every game constable, to arrest without warrant any person whom they shall find violating any of the provisions of this act, and to immediately bring such offender before the nearest magistrate having jurisdiction of the offense for examination or for trial, as in the next preceding section provided.

§ 51. It shall be the duty of all sheriffs, sheriffs' officers, constables, game constables, police officers, policemen and magistrates, diligently to enforce these provisions, and for a neglect to do so, the officer in default shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail of not less than five days nor more than thirty days.

§ 52. In any prosecution or trial under the provisions of this act, of any person for having in his possession any quadrupeds, birds, fish or shell fish in the months or parts of months when by law he is forbidden to have the same, it shall be lawful to be shown in evidence that the quadrupeds, birds, fish or shell fish in question were not taken or killed within the time prohibited by law, or were not taken or killed within this State; and such evidence, when deemed sufficient by the court having jurisdiction of the offense alleged, shall be a sufficient defense to such action.

§ 53. All fines or misdemeanors recovered by the provisions of this act and the moieties of all penalties recovered in civil actions thereunder shall be paid over by the court receiving the same to the treasurer of the county wherein the offense was committed within ten days after their reception by such court, and such money shall be kept by such treasurer as a separate fund to be applied to the enforcement of the provisions of this act in such manner as the board of supervisors may direct, either for the employment of special detectives or the payment of rewards for the detection and arrest of offenders; and each of the boards of supervisors of this State shall have power to raise by tax, in the same manner as other taxes are raised for county purposes, such sum, not exceeding one thousand dollars in any year, to further aid in the enforcement of the provisions of this act.

§ 3. This act shall take effect immediately.

Mr. Vedder moved that the Senate non-concur in said amendments, that a committee of conference be appointed thereon, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Vedder, Kennaday and Rogers.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing of non-concurrence in their amendments, and request a committee of conference thereon.

Mr. Starbuck offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting him to return to the Senate for amendment, Senate bill No. 255, entitled "An act for the relief of James B. Taylor, late of the city of New York, deceased."

On motion of Mr. Starbuck, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Emerson asked and obtained leave to introduce a bill entitled "An act to authorize the improvement of the highway leading from the city of Rochester, in the county of Monroe, to the beach of Lake Ontario at Summerville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduce a bill entitled "An act to provide for the purchase for public use of a certain road and bridge, and the franchises connected therewith in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to legalize the proceedings of the town meeting, so far as the same relates to the election of highway commissioners, held in and for the town of Alden, Erie county, on the first Tuesday of March, 1876."

Assembly, "An act further to amend chapter 745 of the Laws of 1870, entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,' passed May 3, 1869."

Assembly, "An act to legalize the acts of Amasa Stanton, justice of the peace of the county of Wayne."

After some time spent therein, the President resumed the chair, and Mr. Coleman, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York.'"

Assembly, "An act to amend an act entitled 'An act to amend chapter 281 of the Laws of 1874, entitled An act to amend an act entitled An act to amend an act entitled An act to legalize the State and county taxes in the county of Rensselaer, for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes, passed April 10, 1860, and to provide for all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance,' passed April 2, 1866."

Assembly, "An act to amend chapter 604 of the Laws of 1874, entitled 'An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor.'"

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled "An act to amend chapter 451 of the Laws of 1874, entitled 'An act to amend the several acts in relation to State prisons,'" reported in favor of the passage of the same.

On motion of Mr. Carpenter, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the bill entitled "An act to incorporate the Inland Forester Protection Club," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to extend the operation of chapter 267 of the Laws of 1875, entitled 'An act for the incorporation of societies or clubs for certain lawful purposes,'" and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet, and other streets in said city, and to raise money to pay for the same."

Assembly, "An act authorizing the board of supervisors of the county of Kings, to raise money for the erection of a bell-tower and the purchase of a bell for the benefit of the fire department of the town of New Lots, in said county of Kings."

Assembly, "An act to confirm and legalize the acts of Daniel Day 2d, John B. Chandler and Thomas C. Mills, commissioners, duly appointed pursuant to chapter 888 of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal, and to provide for a further assessment."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of

the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to provide armories and drill rooms, and to provide for payment for the use and occupation of armories and drill rooms, in the city of New York."

Assembly, "An act to provide for a further supply of pure and wholesome water for the Twenty-third and Twenty-fourth wards of the city of New York."

Assembly, "An act to amend chapter 135 of the Laws of 1873, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county.'"

After some time spent therein, the President resumed the chair, and Mr. McCarthy, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. McCarthy, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the purchase for public use of a certain road and bridge and the franchises connected therewith, in the counties of Kings and Queens," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Sayre, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the improvement of the highway leading from the city of Rochester, in the county of Monroe, to the beach of Lake Ontario at Summerville," reported in favor of the passage of the same, with amendments.

On motion of Mr. Emerson, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of Assembly bill entitled "An act to release the interest of the people of the State of New York in a certain island formed in Jamaica bay called Ruffle Bar island," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the proceedings of



the annual town meeting of the town of Ontario, Wayne county, held March 7, 1876," reported in favor of the passage of the same.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act in relation to the Clyde High School in the village of Clyde, Wayne county."

Assembly, "An act to reduce the expenses of judicial sales in the county of Kings."

Assembly, "An act to amend the charter of the city of Brooklyn, and the various amendments thereof, passed June 28, 1873."

After some time spent therein, the President resumed the chair, and Mr. Cole, from said committee, reported in favor of the passage of the said named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Booth moved that the bills entitled "An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York."

"An act to incorporate the Grand Lodge of the order of Herman Sons of the State of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

Mr. Woodin moved that the special order, set down for Monday morning at 10 o'clock, be postponed until half-past 1 o'clock of the same day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act in relation to arrears of taxes and assessments in the city of Brooklyn."

Assembly, "An act to amend chapter 210 of the Laws of 1847, entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads,' passed May 7, 1847."

Assembly, "An act to amend an act to regulate the sale of illuminating gas manufactured by the Equity Gas-light Company of the Eastern District of the city of Brooklyn, and to authorize the laying of mains and conductors in certain wards of said city, passed April 9, 1874."

After some time spent therein the President resumed the chair, and Mr. Gerard, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Gerard, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the bill entitled "An act to amend chapter 256 of Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," with a message informing that they had passed the same, with the following amendments :

Strike out the word "upon," in the sixth line, and insert the word "without."

In line 9, strike out the words "such streets and avenues in the town or," and insert the words "Broadway, Railroad place and Division street, in the."

Also, strike out in lines 9 and 10, the words "as a majority of said commissioners shall consider for the best interests of," and insert the words "and Union avenue in."

In line 13, strike out the word "such," and insert the word "said."

Same line, strike out the word "or," and insert the word "and," and strike out "s" in the word "avenues." Strike out in lines 13 and 14, the words "as they may designate."

After the word "thereof," in line 17, strike out the words "they shall," and insert the following: "The cost and expense of sprinkling Broadway, Railroad place and Division street, shall be levied and collected in accordance with the provisions of section three of the act hereby amended. The commissioners of construction shall."

Strike out in lines 18 and 19, the words "the amount of any contract or contracts made by virtue hereof."

After the word "Springs," in line 19, insert the words "the cost and expense of sprinkling said Union avenue."

In line 20, strike out the words "said amounts," and insert the words "said cost and expense."

Strike out the second section.

Strike out "3" and insert "2" before the third section.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Emerson	Morrissey	Sayre
Booth	Gerard	Prince	Schoonmaker
Carpenter	Hammond	Robertson	Selkreg
Cole	Harris	Rogers	Vedder
Coleman	Jacobs	St. John	Woodin
Doolittle	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica,'" with a message informing that they had passed the same, with the following amendments:

Section 11, line 9, after the word "quarterly" insert the words "and all costs and fees recovered wherein the city is a party, shall be paid to the city treasurer within five days after the receipt thereof."

Section 12, line 4, after the word "tax" insert the words "in addition to the sum authorized to be raised by chapter 314 of the Laws of 1874."

Section 13, line 35, after the word "imperfectly" insert the words "designated or." Same line, after the word "roll" insert the words "as to ownership or otherwise." Same section, line 37, after the word "tax" insert the words "or assessments."

Section 14, line 35, after the word "exceeding" insert the word "fifty" in place of the word "thirty."

Section 17, subdivision 6, line 2, after the word "macadamizing" insert the words "or Telfordizing."

Section 23, line 4, strike out all after the word "away."

Insert as section 25 the following:

§ 25. Nothing in this act shall be construed as removing from office the city attorney in office at the time of the passage of this act."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Doolittle	Morrissey	Sayre
Booth	Emerson	Prince	Schoonmaker
Carpenter	Gerard	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder
Coleman	McCarthy	St. John	Woodin
			20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to further amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," with a message informing that they had agreed to a committee of conference thereon, and had appointed as such committee Messrs. Gilbert, Sherman, J. S. Brown, Ingalls and Tabor.

The Assembly returned the resolution instructing the Commissioners of Emigration to call the attention of the Congress of the United States to the present condition of the emigration laws, resulting from the decision of the Supreme Court of the United States declaring the State laws on that subject unconstitutional, with a message that they had concurred in the passage of the same.

The Assembly returned the bill entitled as follows:

"An act to amend and make additions to chapter 463 of the Laws of 1860, entitled 'An act to revise the charter of the city of Oswego, and the acts amendatory thereof.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same:

"An act to repeal chapter 920 of the Laws of 1869, entitled 'An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York.'"

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

"An act to amend chapter 446 of the Laws of 1860, entitled 'An act for the protection of boarding-house keepers.'"

"An act to amend title 2, chapter 1, part 2 of the Revised Statutes, entitled 'Of powers.'"

"An act to provide for the maintenance, support and government of the poor in Queens county."

"An act to amend chapter 209 of the Laws of 1871, entitled 'An act to authorize the extension of the Cherry Valley, Sharon and Albany

railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof,' passed March 29, 1871."

"An act to amend section 2 of chapter 514 of the Laws of 1875, entitled 'An act to provide for the election of police justices in villages.'"

"An act to authorize the Canal Commissioners to construct an iron bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo."

"An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials."

"An act in relation to Riverside avenue and park, in the city of New York."

"An act to amend section 7 of chapter 633 of the Laws of 1866, entitled 'An act in relation to the benevolent fund of the late volunteer fire department, in the city of New York,' passed April 17, 1866, as amended by chapter 962 of the Laws of 1867, and as further amended by chapter 297 of the Laws of 1870."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.'"

"An act to provide for the election and compensation of coroners in the county of Rensselaer."

"An act to amend an act entitled 'An act to secure to children the benefits of an elementary education,' passed May 11, 1874."

"An act to authorize the Chautauqua Lake Camp Meeting Association of the Erie conference of the Methodist Episcopal church to convey certain property."

"An act to authorize the supervisors of the town of Ellington, county of Chautauqua, and State of New York, to convey certain lands in the village of Ellington used for the last thirty years as a public park."

"An act relative to judgments entered upon forfeited recognizances in the city and county of New York."

"An act to amend chapter 569 of the Laws of 1870, entitled 'An act to authorize the sale of the lands belonging to and occupied by the Seamen's Retreat on Staten Island.'"

"An act to amend chapter 249 of the Laws of 1864, entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof,' so far as the same relate to the village of New Rochelle."

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park in the city of Brooklyn toward Coney Island in the county of Kings.'"

"An act to consolidate the corporations entitled 'The Proprietors of the Long Wharf of Sag Harbor' and 'The Sag Harbor Wharf Company,' and relating to the franchises and property thereof."

"An act to amend chapter 129 of the Laws of 1856, entitled 'An act in relation to school district No. 6, in the town of Lyons, Wayne county, passed April 7, 1856,' and the several acts amendatory thereof."

"An act for the preservation of the public peace, the protection of private property, and the maintainance of law and good order in the towns of New Utrecht and Gravesend, in Kings county."

"An act to amend section 16, title 3, chapter 291 of the Laws of 1870, to release firemen from the payment of poll tax."

*Ordered*, that the Clerk return said bills to the Assembly.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn, passed April 24, 1862, and also to amend an act bearing the same title, passed April 30, 1866,' passed May 20, 1875."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874."

Assembly, "An act to provide offices for public purposes in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Rogers, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Selkreg moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session; and, after some time spent therein, the doors were opened, and

On motion of Mr. Selkreg, the Senate adjourned.

## MONDAY, MAY 1, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Cole, the reading of the journal of Saturday, April 29th, was dispensed with.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to provide for the purchase for public use of a certain road and bridge and the franchises connected therewith, in the counties of Kings and Queens."

"An act to authorize the city of Buffalo to issue certificates of indebtedness for the purpose of raising moneys to supply the deficiency in the city treasury, caused by the defalcation of the late city treasurer."

"An act to amend chapter 451 of the Laws of 1874, entitled 'An act to amend the several acts in relation to State prisons.'"

"An act to authorize the improvement of the highway leading from the city of Rochester, in the county of Monroe, to the beach of Lake Ontario at Summerville."

"An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

The Assembly returned the bills entitled as follows :

"An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the city of New York, and of the surrogate's court in said city."

"An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof."

"An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county."

"An act to enable a wife to be a witness in cases of criminal conversation."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same :

"An act further to amend chapter 47 of the Laws of 1837, entitled 'An act to incorporate the Young Men's Association of the city of Buffalo.'"

"An act in relation to repairs of certain streets in the city of Albany."

"An act to incorporate the Buffalo Bar Association."

"An act to build a sewer along Beaver creek in the city of Albany."

"An act in relation to that portion of the Great Western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west."

"An act to legalize the official acts of Archibald Hance as notary public."

"An act to authorize the repaving of Baggs' square, in the city of Utica, and to levy and collect the expense thereof."

"An act to amend chapter 145 of the Laws of 1876, entitled 'An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of \$50,000 to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 458 of the Laws of 1865, entitled 'An act to facilitate the construction of railroads and tramroads within the counties of Clinton and Essex, and authorize the formation of companies therefor, and to extend the operation thereof to the counties of Columbia, Washington and Saratoga,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize horse railroad companies to extend their tracks across bridges when necessary to connect with other railroads, with the consent of the local authorities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to repeal certain acts and parts of acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act authorizing the appointment of extra guard and an engineer at the Auburn prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to authorize the appointment of an additional policeman in the city of Schenectady for the protection of the property of Union College," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the trustees of the First Baptist Church and Society of the town of Somerset, Niagara county, to sell and convey their real estate," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cole, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to incorporate the Veteran Guard of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

"An act to provide for the payment of expenses incurred for the support and maintenance of persons confined in the county jail of the county of New York upon civil process," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the affairs of cities.

"An act to authorize the consolidation and merging of the Benai Berith Benevolent Society with District Grand Lodge No. 1 of the Independent Order Benai Berith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on miscellaneous corporations.

"An act to enable the court of general sessions of the peace of the city and county of New York to appoint an interpreter," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 4 of article 4 of chapter 6 of title 7 of part 1 of the Revised Statutes, relative to bribery at elections, limiting the time within which indictments may be found for the offenses in said section specified," which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the Merchants' Loan Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend an act entitled 'An act to revise and consolidate the several laws in relation to the village of Whitehall,' passed March 16, 1850, and other acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend the act entitled 'An act to construct and protect sidewalks along highways,' passed March 10, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act providing for the assessment of real estate in the town of Vienna, county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act for the removal of human bodies from a burial ground in the village of Norwood, in St. Lawrence county, and ratifying the change of name of the association that owned or had charge of such grounds," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Moore, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act appointing commissioners to investigate certain lateral canals of this State, and to report upon the disposition to be made thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend section 2 of chapter 607 of the Laws of 1869, passed May 5, 1869, relating to the rates of fare on the Troy and Boston railroad," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to perpetuate the memory of soldiers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

"An act to incorporate the Fulton Lake Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the several towns of this State to provide for the payment of bonds issued for railroad purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to amend an act entitled An act to amend the Revised Statutes in relation to laying out of public roads and of the alteration thereof in the town of Greenburgh, passed April 15, 1854, and in addition thereto,' passed March 29, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of Catherine and George Puffet, conferring jurisdiction on the Canal Appraisers to hear and determine their claim for compensation for lands appropriated to the enlargement of the Erie



canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to regulate the transportation of coal on railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 346 of the Laws of 1870, entitled 'An act authorizing the election of a police justice in the village of Tonawanda,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. President presented resolutions of the West Side Association of the city of New York, in favor of the bill providing for an aquarium in Central park, in that part known as Manhattan square, which were read and referred to the committee on the affairs of cities.

Mr. Selkreg presented a petition relative to teachers' classes in academies, which was read and referred to the committee on literature.

By unanimous consent, Mr. Rogers asked and obtained leave to introduce a bill entitled "An act to authorize the city of Buffalo to issue certificates for the purpose of raising moneys to supply the deficiency in the city treasury, caused by the defalcation of the late city treasurer," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarty	St. John
Carpenter	Gerard	Moore	Sayre
Cole	Hammond	Prince	Selkreg
Coleman	Harris	Robertson	Starbuck
Doolittle	Jacobs	Rogers	Woodin
			20

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county," being announced for a third reading,

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows:

Section 1, line 14, engrossed bill, after the word "thereon," insert the words "and after depots are built on said section, and claims for right of way settled."

Mr. Vedder moved that said bill be committed to the committee on the judiciary, to report as to the constitutionality of the provisions, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 556 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the instruction of common school teachers, passed June 17, 1853, passed April 13, 1855,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Jacobs	St. John
Bixby	Doolittle	McCarthy	Sayre
Bradley	Emerson	Moore	Selkreg
Carpenter	Hammond	Prince	Vedder
Cole	Harris	Robertson	Woodin

20

#### FOR THE NEGATIVE.

Gerard	Starbuck
--------	----------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York,' passed May 5, 1874," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Selkreg
Bradley	Gerard	Prince	Starbuck
Carpenter	Hammond	Robertson	Vedder
Cole	Harris	Rogers	Woodin
Coleman	Jacobs	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 210 of the Laws of 1847, entitled 'An act to provide for the incorporation of companies to construct plank roads and of companies to construct turnpike roads,' passed May 7, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	Robertson
Bixby	Doolittle	Lamont	St. John
Booth	Emerson	McCarthy	Sayre
Bradley	Gerard	Moore	Selkreg

Carpenter  
Cole

Harris

Prince

Starbuck

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 281 of the Laws of 1874, entitled An act to amend an act entitled An act to amend an act entitled An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes, passed April 10, 1860, and to provide for all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance, passed April 2, 1866,'" having been announced for a third reading,

Mr. Coleman moved that said bill be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act in relation to arrears of taxes and assessments in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Sayre
Bixby	Doolittle	McCarthy	Selkreg
Booth	Emerson	Moore	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Harris	St. John	Woodin
Cole	Jacobs		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relating to the expenses of judicial sales in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	St. John
Bixby	Gerard	McCarthy	Selkreg
Booth	Hammond	Prince	Vedder
Bradley	Harris	Robertson	Woodin
Carpenter	Jacobs		

18

#### FOR THE NEGATIVE.

Starbuck

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 628 of the Laws of 1874, entitled 'An act to amend an act entitled An act for the incorporation of villages, passed April 20, 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Cole	Harris	Robertson
Bixby	Coleman	Jacobs	Rogers
Booth	Doolittle	McCarthy	St. John
Bradley	Gerard	Moore	Sayre
Carpenter	Hammond	Prince	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Clyde high school in the village of Clyde, Wayne county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Gerard	Moore	Selkreg
Bradley	Hammond	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Jacobs	Rogers	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the charter of the city of Brooklyn, passed June 28, 1873, and the various amendments thereof, passed June 21, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	Rogers
Bixby	Doolittle	McCarthy	St. John
Booth	Gerard	Moore	Sayre
Bradley	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Starbuck
Cole			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to legalize the proceedings of the annual town meeting of the town of Ontario, Wayne county, held March 7, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Woodin
Cole	Jacobs		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the Twelfth ward of the city of Brooklyn, passed April 24, 1862, and also to amend an act bearing the same title passed April 30, 1866,' passed May 20, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Rogers
Bixby	Harris	Moore	St. John
Booth	Jacobs	Morrissey	Selkreg
Carpenter	Lamont	Robertson	Starbuck
Coleman			

17

## FOR THE NEGATIVE.

Bradley	Emerson	Gerard	Woodin
Cole			

5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm and legalize the acts of David Day 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888, of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Cole	Jacobs	St. John
Bixby	Coleman	Lamont	Selkreg

Booth	Doolittle	McCarthy	Starbuck	
Bradley	Emerson	Moore	Vedder	
Carpenter	Gerard	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide armories and drill rooms, and to provide for payment for the use and occupation of armories and drill rooms, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Jacobs	Prince	
Bixby	Doolittle	Lamont	Robertson	
Booth	Emerson	McCarthy	St. John	
Bradley	Gerard	Moore	Vedder	
Carpenter	Harris	Morrissey	Woodin	
Cole				21

## FOR THE NEGATIVE.

Selkreg				1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,'" having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Restore section 8, stricken out in the committee of the whole, and add thereto the following: "but the time to appeal from judgments and orders heretofore entered, shall be the same as before the passage of this act."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John	
Bixby	Gerard	Moore	Selkreg	
Booth	Hammond	Morrissey	Starbuck	
Bradley	Harris	Robertson	Vedder	
Carpenter	Lamont	Rogers	Woodin	
Cole				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 135 of the Laws of 1873, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of

unpaid taxes in the town of Jamaica, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	McCarthy	Sayre
Bixby	Doolittle	Moore	Selkreg
Booth	Gerard	Morrissey	Starbuck
Bradley	Harris	Prince	Vedder
Carpenter	Jacobs	Robertson	Woodin
Cole	Lamont	St. John	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet and other streets in said city, and to raise money to pay for the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Selkreg
Booth	Gerard	Prince	Starbuck
Carpenter	Harris	Robertson	Vedder
Cole	Lamont	Rogers	Woodin
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act authorizing the board of supervisors of the county of Kings, to raise money for the erection of a bell-tower and the purchase of a bell for the benefit of the fire department of the town of New Lots in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	McCarthy	Rogers
Booth	Hammond	Moore	St. John
Bradley	Harris	Morrissey	Selkreg
Carpenter	Jacobs	Prince	Starbuck
Cole	Lamont	Robertson	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 604 of the Laws of 1874, entitled 'An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Sayre
Bixby	Harris	Prince	Selkreg
Booth	Jacobs	Robertson	Starbuck
Carpenter	Lamont	Rogers	Vedder
Cole	McCarthy	St. John	Wellman
Coleman	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the proceedings of the town meeting, so far as the same relates to the election of highway commissioners, held in and for the town of Alden, Erie county, on the first Tuesday of March, 1876," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Lamont	St. John
Bixby	Doolittle	McCarthy	Sayre
Booth	Emerson	Moore	Selkreg
Bradley	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Woodin
Cole	Jacobs		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present as follows :

## FOR THE AFFIRMATIVE.

Baaden	Cole	McCarthy	Sayre
Bixby	Coleman	Moore	Selkreg
Booth	Emerson	Morrissey	Starbuck
Bradley	Harris	Robertson	Vedder
Carpenter	Lamont	St. John	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.



By unanimous consent, Mr. Prince moved to reconsider the vote by which the report of the committee of the whole striking out the enacting clause of Assembly bill entitled "An act making the third and fifth days of July in the year 1876, legal holidays," was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question on agreeing to the report of the committee of the whole, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Lamont	Prince	
Birby	Harris	McCarthy	Robertson	
Cole	Jacobs	Morrissey		11

**FOR THE NEGATIVE.**

Booth	Doolittle	Rogers	Selkreg	
Bradley	Emerson	St. John	Starbuck	
Carpenter	Hammond	Sayre	Woodin	
Coleman				13

The bill entitled "An act to provide for the purchase for public use of a certain road and bridge and the franchises connected therewith, in the counties of Kings and Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Bixby	Doolittle	Jacobs	St. John	
Booth	Emerson	Lamont	Sayre	
Bradley	Gerard	McCarthy	Selkreg	
Carpenter	Hammond	Robertson	Starbuck	
Cole	Harris	Rogers	Woodin	
Coleman				21

*Ordered,* That the Clerk deliver said bill to the Assembly and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act, entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York, passed May 23, 1873,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

**FOR THE AFFIRMATIVE.**

Baaden	Gerard	Lamont	St. John	
Bixby	Hammond	McCarthy	Sayre	
Bradley	Harris	Prince	Selkreg	
Carpenter	Jacobs	Robertson	Woodin	
Cole				17

## FOR THE NEGATIVE.

Doolittle	Emerson	Rogers	Starbuck	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to legalize the acts of Amasa Stanton, justice of the peace, of the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Lamont	St. John	
Bixby	Emerson	McCarthy	Sayre	
Bradley	Gerard	Moore	Selkreg	
Carpenter	Hammond	Prince	Starbuck	
Cole	Harris	Robertson	Woodin	
Coleman	Jacobs	Rogers		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend chapter 451 of the Laws of 1874, entitled 'An act to amend the several acts in relation to State prisons,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John	
Bixby	Gerard	Moore	Sayre	
Carpenter	Hammond	Prince	Selkreg	
Cole	Harris	Robertson	Tobey	
Coleman	Jacobs	Rogers	Woodin	20

## FOR THE NEGATIVE.

Emerson	Lamont	Starbuck	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the salaries of officers and persons paid from the treasury of the city of New York," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act in relation to the salaries of certain officers and employes of the city of New York," and said bill was committed to the committee of the whole.

Mr. Woodin moved that said bill, as amended, be printed, and that the consideration of the same be made a special order for to-morrow morning, immediately after the reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to authorize the improvement of the highway leading from the city of Rochester, in the county of Monroe, to the beach of Lake Ontario at Summerville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	St. John
Bixby	Gerard	McCarthy	Sayre
Cole	Hammond	Moore	Starbuck
Coleman	Harris	Robertson	Vedder
Doolittle	Jacobs	Rogers	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Western New York Institution for Deaf Mutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	St. John
Bixby	Gerard	McCarthy	Sayre
Bradley	Hammond	Moore	Selkreg
Cole	Harris	Robertson	Starbuck
Coleman	Jacobs	Rogers	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act supplementary to chapter 291 of the Laws of 1869, entitled 'An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Gerard	Robertson	Starbuck

Bradley	Hammond	Rogers	Tobey
Carpenter	Jacobs	St. John	Vedder
Cole	Lamont	Sayre	Woodin
Coleman	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same with an amendment.

The Assembly returned the bill entitled "An act regulating the forfeiture of life insurance policies," with a message that they had passed the same, with the following amendments:

Section 1, line 6, strike out all after the word "thereof," down to and including the word "forfeited" in line 11.

Line 13, after the word "policy," insert the following: "and the place where said premium or interest may be paid."

Section 1, line 20, strike out all after the word "policy" down to and including the word "agent."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Lamont	St. John
Bradley	Gerard	McCarthy	Sayre
Carpenter	Hammond	Moore	Starbuck
Cole	Harris	Morrissey	Tobey
Coleman	Jacobs	Rogers	Vedder
Doolittle			

21

## FOR THE NEGATIVE.

Robertson	Selkreg	Woodin	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to enable a wife to be a witness in cases of criminal conversation," with a message that they had passed the same, with the following amendments:

Section 1, line 7, strike out the words "by her" after the word "made." Strike out the word "only" at the end of section 1.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Harris	Robertson	Tobey
Cole	Jacobs	Rogers	Vedder
Coleman	McCarthy	Sayre	Woodin
Doolittle	Moore		

18

## FOR THE NEGATIVE.

Bradley	Hammond	St. John	Starbuck
Emerson	Lamont		

6

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga,'" with a message informing that they had passed the same, with the following amendments:

Engrossed bill, section 1, line 7, after the word "lake," insert the words "and except hook and line and spear, any fish of any kind." Same section, line 8, after the word "Cayuga," insert the words "in or from." Same section, line 11, after the word "counties," insert the words "or any pond, lake or bay in the county of Cayuga." Line 15, after the word "Wayne," insert the words "or any pond, lake or bay in the county of Cayuga."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Harris	Robertson	Starbuck
Bradley	Lamont	Rogers	Tobey
Cole	McCarthy	St. John	Vedder
Coleman	Moore	Sayre	Woodin
Doolittle			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Governor was received and read, as follows:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 29, 1876.

*To the Senate:*

In compliance with a joint resolution of the Senate and Assembly I return herewith, for amendment, Senate bill No. 255, entitled "An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

SAMUEL J. TILDEN.

The President put the question whether the Senate would agree to reconsider the vote by which said bill was passed, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	McCarthy	Sayre
Bixby	Doolittle	Morrissey	Selkreg
Bradley	Emerson	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey
Cole	Jacobs	St. John	Woodin

20

The Assembly sent for concurrence a resolution in the words following:

*Resolved*, That the Senate be and it is hereby requested to return to the Assembly Senate bill No. 255, entitled "An act for the relief of the creditors of James B. Taylor, late of New York, deceased," for amendment of the message of the Assembly, said bill having passed the Assembly April 27, with an amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended and the bill entitled "An act to further amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,'" was ordered to be considered in first committee of the whole.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 389, Laws of 1872, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for the non-payment of taxes; and for the collection of unpaid taxes in the town of Hempstead, Queens county,'" reported in favor of the passage of the same, with amendments.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county,'" reported in favor of the passage of the same.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 497, Laws of 1869, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act further to amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica.'"

Assembly, "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish a ferry across Seneca lake, at Lodi landing.'"

Assembly, "An act to release the interest of the people of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rogers."

After some time spent therein, the President resumed the chair, and Mr. Emerson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Emerson, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street in said city, and to raise money to pay for the same."

Assembly, "An act to repeal part of chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April 20, 1871.'"

Assembly, "An act in relation to district justices' courts in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Harris, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Sayre, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to construct and protect sidewalks along highways,' passed March 10, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Coleman, from the committee on banks, to which was referred the Assembly bill entitled "An act in relation to the Merchants' Loan Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to amend chapter 484 of the Laws of 1862, entitled 'An act in relation to the courts in the city and county of New York,' passed April 24, 1862."

Assembly, "An act to amend an act entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers who served in the war with Mexico.'"

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense,' and entitled the military code."

After some time spent therein the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, which report was agreed to.

Mr. Gerard moved to reconsider the vote by which the report of the committee of the whole was agreed to.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the bill entitled "An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased," with a message that they had passed the same, with the following amendment:

Section 1, lines 1 and 2, engrossed bill, strike out the words "on or after the first day of October next."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre	
Bixby	Emerson	Morrissey	Selkreg	
Bradley	Harris	Robertson	Starbuck	
Carpenter	Lamont	Rogers	Vedder	
Cole	McCarthy	St. John	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate had concurred in their amendment.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend section 84 of chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York.'"

After some time spent therein the President resumed the chair, and Mr. Rogers, from said committee, reported in favor of the passage of the said named bill, with amendments, which report was agreed to, and the same ordered engrossed for a third reading.

By unanimous consent, Mr. Booth asked and obtained leave to introduce a bill entitled "An act to make further provision for the audit and payment of the claims and expense of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the Assembly bill entitled "An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Hamilton, Powers, Forster, T. W. Bradley and Wenzel.

Mr. Schoonmaker moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Schoonmaker, Carpenter and Tobey.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.



Mr. Doolittle, from the committee on militia, to which was referred the Assembly bill entitled "An act to incorporate the Veteran Guard of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Doolittle, from the committee on militia, to which was referred the Assembly bill entitled "An act to perpetuate the memory of soldiers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to organize the Senate districts, and for the apportionment of the members of assembly of this State."

After some time spent therein, the President resumed the chair, and Mr. Harris, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Woodin moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Selkreg
Booth	Harris	Robertson	Tobey
Carpenter	McCarthy	Sayre	Woodin
Coleman	Moore		

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FOR THE NEGATIVE.

Bixby	Hammond	Morrissey	Schoonmaker
Bradley	Jacobs	St. John	Starbuck
Emerson	Lamont		

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Mr. Woodin moved that said bill be recommitted to the committee on the affairs of cities, retaining its place in the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor, asking for the return of Assembly bill entitled "An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the out door poor," for amendment.

*Ordered*, That said resolution be laid upon the table.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act to amend section 32, part 1, title one, article 3, chapter 16 of the Revised Statutes," was ordered to a third reading.

The Assembly returned the bill entitled as follows:

"An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Booth, the Senate took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 587 of the Laws of 1872, entitled 'An act to authorize the appointment of assistant district attorneys in certain counties of this State,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the dissolution of corporations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county," reported in favor of the passage of the same, and said bill was ordered to a third reading.

Mr. Selkreg moved that the bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' passed May 20, 1874," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

A message was received from his Excellency the Governor, in the words following :

## STATE OF NEW YORK:

EXECUTIVE CHAMBER, }  
ALBANY, April 6, 1876. {

*To the Senate :*

In accordance with a concurrent resolution of the Senate and Assembly, I return herewith Senate bill No. 38, entitled "An act to amend chapter 644 of the Laws of 1873, in relation to the crime of murder."

SAMUEL J. TILDEN.

Mr. Schoonmaker moved that said bill be returned to the Governor.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to provide for the formation of road districts, in certain cases, within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvement of roads therein."

"An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March 3, 1857, and the acts amendatory thereto."

"An act to authorize the board of supervisors of Kings county to raise money for temporary relief of the out-door poor, and to pay deficiencies in the salary account of the commissioners of charities."

"An act to prohibit the interment of the dead in the burial ground belonging to the Society of the First Methodist Episcopal church of the town of Carlton, Orleans county, located at Kuckville in said town, and to authorize the removal of the dead from said ground."

"An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, and in the city and county of New York."

"An act to amend chapter 106 of the Laws of 1865, entitled 'An act to incorporate the New York Infant Asylum.'"

"An act to amend chapter 583 of the Laws of 1874, entitled 'An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island in the county of Kings.'"

*Ordered,* That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message informing that they had agreed to the report of the committee of conference thereon :

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the 1st day of October, 1876, and to provide for deficiencies in former appropriation."

"An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor."

*Ordered,* That the Clerk return said bills to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company, and extending its powers,' passed May 20, 1874."

Assembly, "An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock."

Assembly, "An act supplementary to the 'Act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,' passed June 12, 1873."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and the same ordered engrossed for a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the appointment of an additional policeman in the city of Schenectady for the protection of the property of Union College," reported in favor of the passage of the same.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873 and 1874, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," reported in favor of the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend chapter 912 of the Laws of 1869, entitled 'An act to incorporate the city of Cohoes.'"

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes, passed May 19, 1869, and the act amendatory thereof, passed May 11, 1871,' passed March 4, 1872," reported in favor of the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts and proceedings of Robert Patterson as justice of the peace in the town of Lindley, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bradley, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend section 23, title 2, of the amended charter of the city of Brooklyn, passed June 28, 1873," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for land taken from Prospect park for reservoir purposes," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester,

Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses on the Buffalo division of the Erie railroad, and Sonyea in Livingston county," reported in favor of the passage of the same.

On motion of Mr. Emerson, and by unanimous consent, said bill was substituted for Senate bill No. 316, same title, now in the order of third reading of bills.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the payment of expenses incurred for the support and maintenance of persons confined in the county jail of the county of New York upon civil process," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act for the relief of the Orphan Asylum Society of the city of Brooklyn," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Booth moved that the bill entitled "An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act relating to unpaid taxes in Long Island City."

"An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York."

"An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Sayre, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Prince moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Sayre, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Sayre, from the same committee, reported in favor of the passage of the last named bill.

On motion of Mr. Booth, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Booth	Hammond	Moore	Selkreg
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Tobey
Cole	Kennaday	Robertson	Vedder
Coleman	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Wellman
Emerson			

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*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Jacobs moved that the Clerk be directed to call only the Senate bills now on the calendar of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof.

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York."

Assembly, "An act to amend chapter 180 of the Laws of 1875, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties.'"

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Jacobs moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tobey, from the same committee, reported progress on the last named bill and asked and obtained leave to sit again.

Mr. Jacobs moved that the Assembly bill entitled "An act to provide for the creation of a board of charities, and for a better administration of the public charities in the county of Kings," be considered in first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

By unanimous consent, Mr. Jacobs asked and obtained leave to introduced a bill entitled "An act confirming certain rights and powers in elevated railroads now in actual use and operation, and providing compensation for property taken therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York."

The Senate again resolved itself into a committee of the whole and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act regulating the deposit of securities by plate-glass insurance companies.'"

Assembly, "An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings."

Assembly, "An act to amend chapter 742 of the Laws of 1871, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city.'"

After some time spent therein the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, with the title amended so as to read "An act in relation to the deposit of securities by plate glass insurance companies," which report was agreed to, and the same ordered to a third reading.

Mr. Robertson, from the same committee, reported progress on the second named bill and asked leave to sit again.

Mr. Rogers moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Tobey, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend an act to provide for the incorporation of fire insurance companies, passed May 4, 1864, in regard to the investment of their capital and surplus profits," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 4 of article 4 of chapter 6 of title 7 of part 1 of the Revised Statutes relative to bribery at elections, limiting the time within which indictments may be found for the offenses in said section specified," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise and consolidate the several laws in relation to the village of Whitehall,' passed March 18, 1850, and other acts amendatory thereof," reported in favor of the passage of the same.

On motion of Mr. Coleman, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and the bill entitled "An act conferring the powers of peace officers upon the trustees of the Chautauqua Lake Sunday School Assembly during their religious meetings," was ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal chapter 429 of the Laws of 1870, entitled 'An act to amend an act entitled An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the county of Westchester, passed April 16, 1860, and the acts amendatory thereof, passed March 26, 1861, and May 5, 1863, and April 17, 1868, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester,' and chapter 435 of the Laws of 1874, amending said chapter 429 of the Laws of 1870."

Assembly, "An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings; incurred during the years 1869, 1870, 1871 and 1872, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor."

"An act relating to assessments for the construction of sewers and drains in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and the same ordered to a third reading.

Mr. Jacobs, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Doolittle moved that Assembly bill entitled "An act to perpetuate the memory of soldiers," be recommitted to the committee on militia retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Selkreg moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein the doors were opened : and,

On motion of Mr. Woodin, the Senate adjourned.

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## TUESDAY, MAY 2, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Woodin, the reading of the journal of yesterday was dispensed with.



Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act further to amend chapter 137 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica.'"

"An act to amend section 84 of chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York.'"

"An act regulating the forfeiture of life insurance policies."

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

"An act to legalize and confirm the official acts and proceedings of Robert Patterson as justice of the peace of the town of Lindley, in the county of Steuben."

"An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company and extending its powers,' passed May 20, 1874."

"An act conferring the powers of peace officers upon the trustees of the Chautauqua Lake Sunday School Assembly during their religious meetings."

"An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York."

"An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York."

"An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled 'An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'"

"An act to amend chapter 256 of Laws of 1874, entitled 'An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870."

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

"An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State."

"An act to authorize an additional number of firemen in the village of Canandaigua."

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to establish a fire department in the second school district in the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same," reported in favor of the passage of the same.

On motion of Mr. Wagner, and by unanimous consent, the rules were suspended, and said bill ordered to a third reading.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend the charter of the American Popular Life Insurance Company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

The bill entitled "An act to amend an act entitled 'An act amending chapter 837, Laws of 1868, and chapter 623, Laws of 1869, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county,' passed May 21, 1878," having been announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended so as to read as follows:

Add to section 1 "The said district of assessment when made by said commissioners shall first be submitted to and approved by the town board of the said town of New Lots, and unless so submitted and approved shall have no force and effect."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Gerard	Robertson	Starbuck
Carpenter	Harris	Rogers	Vedder
Cole	Jacobs	St. John	Wagner
Coleman	Kennaday	Schoonmaker	Wellman
Doolittle	McCarthy	Selkreg	Woodin
Emerson	Prince		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 84 of chapter 335 of the Laws of 1873, entitled 'An act to reorganize the local government of the city of New York,'" having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on the affairs of cities with instructions to strike out the first section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Coleman	Harris	Lamont	Schoonmaker
Emerson	Jacobs	Loomis	Starbuck
Gerard	Kennaday	St. John	

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FOR THE NEGATIVE.

Bixby	McCarthy	Robertson	Vedder
Carpenter	Moore	Rogers	Wagner
Cole	Morrissey	Sayre	Wellman
Doolittle	Prince	Selkreg	Woodin

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Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	McCarthy	Robertson	Vedder
Carpenter	Moore	Rogers	Wagner

Cole	Morrissey	Sayre	Wellman	
Coleman	Prince	Selkreg	Woodin	
Doolittle				17

## FOR THE NEGATIVE.

Emerson	Jacobs	Loomis	Schoonmaker	
Gerard	Kennaday	St. John	Starbuck	
Harris	Lamont			10

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and order in the town of Greenburgh, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Selkreg	
Bixby	Harris	Moore	Starbuck	
Carpenter	Jacobs	Robertson	Vedder	
Cole	Kennaday	Rogers	Wagner	
Doolittle	Lamont	St. John	Wellman	
Emerson	Loomis	Schoonmaker	Woodin	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act amendatory of an act entitled 'An act changing the name of the Beach Pneumatic Transit Company to the Broadway Underground Railway Company and extending its powers,' passed May 20, 1874," was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Selkreg	
Bixby	Jacobs	Robertson	Starbuck	
Cole	Lamont	Rogers	Vedder	
Doolittle	Loomis	St. John	Wellman	
Emerson	McCarthy	Sayre	Woodin	
Hammond	Moore	Schoonmaker		23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act conferring the powers of peace officers upon the trustees of the Chautauqua Lake Sunday School Assembly during their religious meetings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Loomis	Sayre
Bixby	Emerson	McCarthy	Schoonmaker
Bradley	Harris	Moore	Starbuck
Carpenter	Jacobs	Prince	Vedder
Cole	Kennaday	Robertson	Wellman
Coleman	Lamont	St. John	Woodin

. 24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the official acts and proceedings of Robert Patterson, as justice of the peace of the town of Lindley, in the county of Steuben," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Morrissey	Selkreg
Bixby	Gerard	Robertson	Starbuck
Booth	Harris	Rogers	Vedder
Carpenter	Jacobs	St. John	Wagner
Cole	Kennaday	Sayre	Wellman
Coleman	Loomis	Schoonmaker	Woodin
Doolittle	McCarthy		

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act further to amend chapter 187 of the Laws of 1842, entitled 'An act in relation to common schools in the city of Utica,' and chapter 66 of the Laws of 1850, entitled 'An act in relation to common schools in the city of Utica,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Moore	Selkreg
Bixby	Harris	Morrissey	Starbuck
Carpenter	Kennaday	Robertson	Vedder
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle	McCarthy	Schoonmaker	

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," having been announced for a third reading,

On motion of Mr. Vedder, and by unanimous consent, said bill was amended as follows :

Add after section 2 the following : "the provisions of this section shall not apply to any moneys of, or expenditures for the police department of said city."

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

Add to section 2 the following : " Nothing in this section shall apply to moneys of the board of education of the city of New York. Providing that no portion of the above section shall be construed to interfere in any way with the powers already granted to the trustees of the College of the City of New York, or to give to the controller any power whatsoever to control or interfere with the money raised by law for the maintenance and support of said city college."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows (the President voting in the affirmative):

**FOR THE AFFIRMATIVE.**

Bixby	Harris	Moore	Sayre
Bradley	Kennaday	Morrissey	Schoonmaker
Gerard	Lamont	St. John	Starbuck
Hammond	Loomis		

14

**FOR THE NEGATIVE.**

Baaden	Coleman	Prince	Selkreg
Booth	Doolittle	Robertson	Wellman
Carpenter	Emerson	Rogers	Woodin
Cole	McCarthy		

14

The bill entitled "An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Baaden	Doolittle	McCarthy	Rogers
Bixby	Emerson	Moore	Sayre
Bradley	Gerard	Prince	Selkreg
Carpenter	Kennaday	Robertson	Wellman
Coleman	Loomis		

18

**FOR THE NEGATIVE.**

Cole	Lamont	St. John	Starbuck
Hammond	Morrissey	Schoonmaker	Woodin
Harris			

9

When the name of Mr. Woodin was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Woodin subsequently voted in the negative.

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal part of chapter 149 of the Laws of 1874, entitled 'An act to amend the act passed April 27, 1872, entitled An act to amend chapter 657 of the Laws of 1871, entitled An act to amend the act passed February 17, 1848, entitled An act

to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Lamont	Rogers
Bradley	Emerson	Loomis	Sayre
Carpenter	Gerard	McCarthy	Schoonmaker
Cole	Harris	Moore	Selkreg
Coleman	Kennaday	Morrissey	19

## FOR THE NEGATIVE.

Prince	Robertson	Starbuck	Wellman	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act supplementary to chapter 737, Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Lamont	Rogers
Bradley	Gerard	Loomis	St. John
Carpenter	Hammond	McCarthy	Schoonmaker
Coleman	Harris	Moore	Selkreg
Doolittle	Kennaday	Robertson	Wellman

## FOR THE NEGATIVE.

Prince	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," reported that the committee have made the amendments thereto, as instructed by the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Morrissey	Sayre
Bixby	Doolittle	Prince	Selkreg

Booth	Emerson	Robertson	Wellman	
Carpenter	McCarty	Rogers	Woodin	
Cole	Moore	St. John		19

## FOR THE NEGATIVE.

Bradley	Hammond	Loomis	Starbuck	
Gerard	Kennaday	Schoonmaker		7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 737 of the Laws of 1869, entitled 'An act to incorporate the Brooklyn Young Men's Christian Association,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Schoonmaker	
Bixby	Emerson	Moore	Selkreg	
Bradley	Gerard	Morrissey	Starbuck	
Carpenter	Kennaday	Robertson	Wagner	
Cole	Lamont	Rogers	Wellman	
Coleman	Loomis	St. John	Woodin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York," having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Add after section 1: "The amount herein authorized to be expended is hereby declared to be in reduction to that extent of the amount authorized to be expended under chapter 477 of the Laws of 1875."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Moore	Schoonmaker	
Bixby	Harris	Morrissey	Starbuck	
Carpenter	Kennaday	Prince	Vedder	
Coleman	Lamont	Robertson	Wagner	
Doolittle	Loomis	Rogers	Wellman	
Gerard	McCarthy	St. John		23

## FOR THE NEGATIVE.

Booth	Cole	Selkreg	Woodin	
Bradley	Emerson			6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act relating to unpaid taxes in Long Island City," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Coleman	Loomis	Selkreg	
Booth	Doolittle	Prince	Starbuck	
Bradley	Emerson	Robertson	Vedder	
Carpenter	Jacobs	Rogers	Wagner	
Cole	Lamont	St. John	Wellman	20

## FOR THE NEGATIVE.

Gerard	Kennaday	Morrissey	Schoonmaker	4
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 484 of the Laws of 1862, entitled 'An act in relation to the courts in the city and county of New York,' passed April 24, 1862," having been announced for a third reading,

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Robertson	Vedder	
Bixby	Doolittle	Sayre	Wagner	
Booth	Morrissey	Selkreg	Wellman	
Cole	Prince			14

## FOR THE NEGATIVE.

Bradley	Jacobs	Loomis	Schoonmaker	
Emerson	Kennaday	St. John	Starbuck	
Gerard				9

Mr. Bixby moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend section 2 of chapter 607 of the Laws of 1869, passed May 5, 1869, relating to the rates of fare on the Troy and Boston railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :



## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Starbuck
Bixby	Emerson	Rogers	Vedder
Bradley	Gerard	St. John	Wagner
Cole	Kennaday	Schoonmaker	Wellman
Coleman	Prince	Selkreg	19

## FOR THE NEGATIVE.

Morrissey	Sayre	9
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rogers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bixby	Emerson	Morrissey	Starbuck
Bradley	Gerard	Robertson	Vedder
Carpenter	Jacobs	Rogers	Wagner
Cole	Kennaday	Sayre	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
			24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street in said city, and to raise money to pay for the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Emerson	Prince	Selkreg
Bradley	Harris	Robertson	Tobey
Carpenter	Kennaday	Rogers	Vedder
Cole	Loomis	St. John	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore	Schoonmaker	23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish a ferry across Seneca lake at Lodi landing,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Bixby	Emerson	Moore	Schoonmaker
Bradley	Gerard	Prince	Selkreg
Carpenter	Harris	Robertson	Wagner
Cole	Kennaday	Rogers	Wellman
Coleman	Loomis	St. John	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to district justices' courts in the city of New York," having been announced for a third reading,

Mr. Gerard moved that said bill be recommitted to the committee on the judiciary with instructions to amend as follows:

Strike out the words: "The said stenographers and the clerks, assistant clerks and interpreters of said courts heretofore appointed by the justices now in office, shall continue to be the stenographers, clerks, assistant clerks and interpreters of their respective courts, until the expiration of the terms of office of the justices by whom they were appointed and shall receive the same salaries as now provided by law."

Also the words: "No payment shall hereafter be made to any persons other than the justices for services in said courts, except as herein otherwise provided."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Harris	Loomis	St. John
Emerson	Kennaday	Morrissey	Schoonmaker
Gerard	Lamont	Rogers	Starbuck
Hammond			13

## FOR THE NEGATIVE.

Baaden	Cole	Moore	Vedder
Bixby	Coleman	Prince	Wagner
Booth	Doolittle	Robertson	Wellman
Carpenter	McCarthy	Selkreg	Woodin
			16

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Coleman	Prince	Vedder
Bixby	Doolittle	Robertson	Wagner
Booth	Emerson	Sayre	Wellman
Carpenter	McCarthy	Selkreg	Woodin
Cole	Moore		18

## FOR THE NEGATIVE.

Bradley	Harris	Loomis	St. John
Gerard	Kennaday	Morrissey	Schoonmaker
Hammond	Lamont	Rogers	Starbuck
			12

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The conference committee, appointed by the Senate and Assembly, to consider and determine the difference arising between the two Houses upon Assembly bill No. 172, entitled "An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof," having met and considered the same, do hereby respectfully report and recommend as follows:

Section 1, lines 1 and 2, the Assembly agree to strike out the words reading as follows: "the board of supervisors of Ulster county," and insert in lieu thereof the amendment made by the Senate, reading as follows: "The supervisor and town board of the town of Saugerties, in the county of Ulster."

Lines 2 and 3, the Assembly strike out the words "any annual or special town meeting of said town," and insert in lieu thereof the amendment made by the Senate, reading as follows: "a special town meeting of said town, to be held within thirty days after the passage of this act as herein provided."

Line 5, that the Assembly agree to the amendment made by the Senate after the word "raise in said town," reading as follows: "in the manner hereinafter provided." And also agree to the words stricken out by the Senate in lines 5 and 6, reading as follows: "by tax upon the taxable real and personal property in the town of Saugerties."

Section 2, that the Senate recede from the amendment made by it, down to and including the word "town" in line 9, reading as follows:

"§ 2. The supervisor of the town of Saugerties is hereby authorized and directed to cause a survey to be made of the proposed long dock and main dock with pier, by a practical engineer who shall give a true estimate of quantities as to timber, piles and filling for the same, and who, under the advice of the said supervisor, shall draw up proper specifications for the construction of said long dock, main dock and pier, and on such specifications the said supervisor and town board are hereby authorized and directed to let the work of building and making said long dock with pier to the lowest bidder, for a sum not to exceed sixteen thousand dollars; such lowest bidder shall furnish security for the faithful performance of the same, to be approved of by the supervisor and town board of said town, and the same shall be constructed in the manner stated in the next following section. And for the purpose of defraying the expenses thereof the said supervisor and town board of said town are, after the affirmative vote at the special meeting of said town provided for by this act in favor of the construction of the long dock, main dock and pier herein before mentioned."

And the Senate agree to restore in said section, in lieu thereof, the words reading as follows: "The supervisor of the town of Saugerties is hereby authorized and directed to let the work of building and making said dock and pier to the lowest bidder, who shall furnish security for the faithful performance of the same to be approved of by the supervisor

and town board of said town. And the same shall be constructed in the manner stated in the following section. And for the purpose of defraying the expenses thereof, the said supervisor and town."

Section 2, that the Assembly agree to the amendment made by the Senate in inserting after the word "supervisor" the words "and town board." And in same line, after the word "of," first occurring, the word "said;" and in striking out after the word "town," second occurring, the words "of Saugerties," and inserting in lieu thereof the words "after such affirmative vote."

And the Assembly agree to insert in line 10, after the word "exceeding" the words "in the aggregate." And in line 11, same section, after the word "dollars" insert the words "as may be necessary." And in line 13, of the same section, striking out the word "one" and inserting the word "four." And in line 15, of same section, striking out the word "one" and inserting the word "four." And in line 32, of the same section, striking out the words "of Saugerties," and inserting before the word "town" the words "taxable property of said." And in line 36, of same section, striking out the word "is" and inserting the words "shall have been."

Section 3, line 3, that the Senate recede from amendment made by it in said line by striking out the word "forty" and restoring the word "twenty." Also, line 4 of same section, striking out the word "eighty" and restoring the word "fifty."

Section 4, line 20, the Assembly agree to the amendment made by the Senate after the word "used," in said line, inserting the words "so far as necessary."

Section 5, that the Assembly agree to the amendment made by the Senate at the end of said section by adding the words "except as herein after provided."

Section 6, that the Assembly agree to the amendment made by the Senate at the end of said section by adding the words "nor shall any thing herein prevent the State from retaking possession of the lands in the last section described, or from removing the said dock or piers or any portion thereof, when in the judgment of the Legislature or the officer or officers of said State, duly authorized, the interests of the State shall make it desirable so to do."

Section 7, line 1, that the Assembly agree to the amendment made by the Senate in striking out the word "elections" and inserting the word "meeting."

Line 3, striking out after the word "constructed" the word "may" and inserting the word "shall" in lieu thereof. Same line, after the word "had" inserting the words "within thirty days after the passage of this act."

Line 5, striking out the word "election" and inserting in lieu thereof the words "town meeting."

Line 8, striking out the words "the place of holding," and after the word "special," same line, inserting the word "town."

Line 9, striking out the word "election" and inserting the word "meeting," and in the same line, after the word "be," inserting the words "held at." Same line, after the word "the" first occurring, in striking out the word "same." Same line, after the word "place," in striking out the words "of holding" and inserting in lieu thereof the word "where."

Line 10, after the word "meeting" inserting the words "is held."

And that they agree to the amendment made by the Senate, in adding at the end of section 7, the words reading as follows: "The said special town meeting shall be presided over by the same officers, and conducted in the same manner as the annual town meetings in said town. No person shall vote at such town meeting, except tax-payers of said town who are legal voters therein. The person voting or offering to vote at such town meeting, shall be subject to all the provisions of law regulating voting at town meetings, and providing for the punishment of illegal voting at such meetings. Separate ballots shall be prepared under the direction of the town clerk of said town, which shall read as follows: "For the dock and pier" and "Against the dock and pier," and if a majority of all the votes cast at such special town meeting shall read "For the dock and pier," then the said dock and pier shall be built and paid for in the manner herein provided; but if a majority of all the votes cast at such town meeting shall read "Against the dock and pier," such dock and pier shall not be built. A certificate of the number of votes cast for and against said dock and pier, shall be made and signed by the persons presiding at the town meeting, immediately after the same shall be filed in the clerk's office of said town, and shall be evidence of the matter therein stated."

A. SCHOONMAKER, JR.,  
B. P. CARPENTER,  
*Senate Committee.*

GEO. H. POWER,  
GEO. H. FORSTER,  
THOS. W. BRADLEY,  
A. E. WENZEL,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Emerson	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Carpenter	Jacobs	Rogers	Wagner
Cole	Kennaday	St. John	Wellman
Coleman	Lamont		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act for the relief of the surviving members of the First Regiment of New York Volunteers, who served in the war with Mexico,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Selkreg
Bradley	Kennaday	Prince	Vedder
Carpenter	Lamont	Robertson	Wagner
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Sayre	

19

## FOR THE NEGATIVE.

Starbuck                      Woodin                      2

Mr. Robertson moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Morrissey	Selkreg
Bixby	Kennaday	Robertson	Starbuck
Bradley	Lamont	Rogers	Tobey
Carpenter	Loomis	St. John	Wagner
Doolittle	McCarthy	Sayre	Wellman
Emerson	Moore		

22

## FOR THE NEGATIVE.

Coleman                      Gerard                      2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the removal of human bodies from a burying ground in the village of Norwood, in St. Lawrence county, and ratifying the change of name of the association that owned or had charge of such grounds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Prince	Selkreg
Carpenter	Kennaday	Robertson	Wagner
Coleman	Lamont	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin
Emerson	McCarthy	Sayre	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the trustees of the First Baptist Church and Society of the town of Somerset, Niagara county, to sell and convey their real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Selkreg
Bixby	Harris	Rogers	Starbuck

Carpenter	Kennaday	St. John	Vedder
Coleman	McCarthy	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Wellman
Emerson	Prince		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to provide for the deposit and disbursement of the moneys of the mayor, aldermen and commonalty of the city of New York," reported the same for the consideration of the Senate.

The Assembly bill entitled "An act to amend section 32, part 1, title 1, article 3, chapter 16 of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	Loomis	Robertson
Booth	Gerard	McCarthy	Rogers
Bradley	Hammond	Morrissey	Sayre
Carpenter	Jacobs	Prince	Selkreg
Coleman	Kennaday		

18

## FOR THE NEGATIVE.

Harris	St. John	Starbuck	Wagner
Moore	Schoonmaker		

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Rogers, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend chapter 69 of the Laws of 1847, entitled 'An act concerning the pilots of the channel of the East river, commonly called Hell Gate,' passed April 15, 1847, and the various acts amendatory thereof, passed March 12, 1860, March 14, 1865, April 16, 1868 and April 5, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to amend chapter 385 of the Laws of 1871, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Selkreg
Bixby	Hammond	Prince	Starbuck

Bradley	Harris	Robertson	Tobey
Carpenter	Jacobs	Rogers	Vedder
Cole	Kennaday	St. John	Wagner
Coleman	Lamont	Sayre	Wellman
Doolittle	Loomis	Schoonmaker	Woodin
Emerson			

29

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," having been announced for a third reading,

Mr. Jacobs moved that said bill be recommitted to the select committee on apportionment with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Schoonmaker
Emerson	Kennaday	Morrissey	Starbuck
Gerard			

13

## FOR THE NEGATIVE.

Booth	Harris	Rogers	Vedder
Carpenter	McCarthy	Sayre	Wagner
Cole	Moore	Selkreg	Wellman
Coleman	Prince	Tobey	Woodin
Doolittle	Robertson		

18

Mr. Gerard moved to recommit said bill, with instructions to amend as follows :

Strike out lines 13 to 57 inclusive, printed bill, and insert as follows in lieu thereof :

"The fifth Senate district shall consist of the first, second, third, fourth, fifth, sixth, seventh and thirteenth wards of the city of New York, in the county of New York.

"The sixth Senate district shall consist of the eighth, ninth, fourteenth and fifteenth wards in the city of New York, in the county of New York.

"The seventh Senate district shall consist of the tenth and seventeenth wards of the city of New York, in the county of New York.

"The eighth Senate district shall consist of the eleventh and eighteenth wards of the city of New York, in the county of New York.

"The ninth Senate district shall consist of the sixteenth and twentieth wards of the city of New York, in the county of New York.

"The tenth Senate district shall consist of the nineteenth and twenty-first wards of the city of New York, in the county of New York.

"The eleventh Senate district shall consist of the twelfth, twenty-second, twenty-third and twenty-fourth wards of the city of New York, in the county of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :



## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Schoonmaker
Gerard	Kennaday	Morrissey	Starbuck 12

## FOR THE NEGATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	19

Mr. Bradley moved to recommit said bill to the select committee on apportionment with instructions to amend as follows:

Line 88, printed bill, strike out the word "Allegany" and insert the words "Chemung and Schuyler."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John
Bradley	Jacobs	Loomis	Schoonmaker
Gerard	Kennaday	Morrissey	Starbuck 12

## FOR THE NEGATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	19

Mr. Hammond moved to recommit said bill to the select committee on apportionment with instructions to amend as follows:

Strike out in line 90, printed bill, the word "Schuyler" and insert the word "Seneca."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Lamont	St. John
Bradley	Hammond	Loomis	Schoonmaker
Emerson	Jacobs	Morrissey	Starbuck 12

## FOR THE NEGATIVE.

Baaden	Doolittle	Robertson	Vedder
Booth	Harris	Rogers	Wagner
Carpenter	McCarthy	Sayre	Wellman
Cole	Moore	Selkreg	Woodin
Coleman	Prince		18

Mr. Starbuck moved to recommit said bill to the select committee on apportionment, with instructions to amend as follows:

Strike out all after the word "Columbia," in line 63, being the last word in the description of the proposed thirteenth district, to and including the word "Cattaraugus," in line 96, being the last word in the description of the proposed thirty-second district, and insert the following:

14. The fourteenth Senate district shall consist of the counties of Ulster and Delaware.

15. The fifteenth Senate district shall consist of the counties of Dutchess, Columbia and Greene.

16. The sixteenth Senate district shall consist of the counties of Rensselaer and Washington.

17. The seventeenth Senate district shall consist of the county of Albany.

18. The eighteenth Senate district shall consist of the counties of Saratoga, Fulton and Hamilton, Warren and Essex.

19. The nineteenth Senate district shall consist of the counties of Clinton, Franklin and St. Lawrence.

20. The twentieth Senate district shall consist of the counties of Jefferson, Lewis and Herkimer.

21. The twenty-first Senate district shall consist of the counties of Montgomery, Schoenectady, Schoharie and Otsego.

22. The twenty-second Senate district shall consist of the county of Oneida.

23. The twenty-third Senate district shall consist of the counties of Oswego and Madison.

24. The twenty-fourth Senate district shall consist of the counties of Onondaga and Cortland.

25. The twenty-fifth Senate district shall consist of the counties of Chenango, Broome and Tioga.

26. The twenty-sixth Senate district shall consist of the counties of Tompkins, Cayuga and Wayne.

27. The twenty-seventh Senate district shall consist of the county of Monroe.

28. The twenty-eighth Senate district shall consist of the counties of Seneca, Ontario, Yates and Livingston.

29. The twenty-ninth Senate district shall consist of the counties of Steuben, Chemung and Schuyler.

30. The thirtieth Senate district shall consist of the counties of Wyoming, Genesee, Orleans and Niagara.

31. The thirty-first Senate district shall consist of the county of Erie.

32. The thirty-second Senate district shall consist of the counties of Allegany, Cattaraugus and Chautauqua.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Jacobs moved to recommit said bill to select committee with instructions to strike out, in line 24, printed bill, the word "twelve" second occurring, and insert the word "fourteen."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	Schoonmaker
Bradley	Jacobs	Loomis	Starbuck
Gerard	Kennaday	Morrissey	11

#### FOR THE NEGATIVE.

Baaden	Doolittle	Robertson	Vedder
Booth	Harris	Rogers	Wagner
Carpenter	McCarthy	Sayre	Wellman

Cole	Moore	Selkreg	Woodin	
Coleman	Prince	Tobey		19

Mr. Jacobs moved to recommit said bill to select committee with instructions to strike out in line 24, majority printed bill, the word "twelve," second occurring, and insert the word "thirteen."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Hammond	Lamont	St. John	
Bradley	Jacobs	Loomis	Schoonmaker	
Gerard	Kennaday	Morrissey	Starbuck	12

## FOR THE NEGATIVE.

Baaden	Doolittle	Robertson	Vedder	
Booth	Harris	Rogers	Wagner	
Carpenter	McCarthy	Sayre	Wellman	
Cole	Moore	Selkreg	Woodin	
Coleman	Prince	Tobey		19

Mr. Emerson moved to recommit said bill to the select committee on apportionment with instructions to amend as follows :

Strike out in line 28, majority printed bill, the word "three" and insert the word "four."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question, whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Tobey	
Booth	Emerson	Robertson	Vedder	
Carpenter	Harris	Rogers	Wagner	
Cole	McCarthy	Sayre	Wellman	
Coleman	Moore	Selkreg	Woodin	19

## FOR THE NEGATIVE.

Bixby	Hammond	Lamont	St. John	
Bradley	Jacobs	Loomis	Schoonmaker	
Gerard	Kennaday	Morrissey	Starbuck	12

*Ordered*, That the Clerk deliver said bill to the Assembly and request their concurrence therein.

Mr. Vedder, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857, and to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," reported in favor of the passage of the same, with amendments, and directed their chairman to report said bill for the consideration of the Senate, as amended.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Fulton Lake Park Association," reported in favor of the passage of the same.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 881 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,'" reported in favor of the passage of the same.

On motion of Mr. St. John, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act providing for the assessment of real estate in the town of Vienna, county of Oneida," reported in favor of the passage of the same.

On motion of Mr. Sayre, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Assembly returned the bill entitled "An act in relation to streets in Long Island city," with a message that they had passed the same, with the following amendment:

Strike out all of sections 2 and 3, and insert the following as section 2.

"§ 2. It shall be lawful for the commissioners appointed by and under chapter 326 of the Laws of 1874, entitled 'An act to provide for improvements in and adjoining the first ward of Long Island City,' by a unanimous vote of all the members of the board, to alter and amend the established grade in the following streets and avenues and parts thereof, within the improvement district constituted and established by said last mentioned act, viz.: Borden avenue, from Vernon avenue to the East river; Front street, from Borden avenue to Fourth street; Third street, from West avenue to Front street; Fourth street, from West avenue to Front street; Fifth street, west of Vernon avenue; Sixth street, west of Vernon avenue, and Vernon avenue from Borden avenue to Newtown creek, by depressing or reducing the present established grade so as to conform as nearly as practicable to the present surface of such streets and parts of streets respectively; also to depress or reduce the established grade of intersecting streets and avenues, so far as necessary to conform to the depressions aforesaid if made; also, to raise the grade of Fifth street, from Vernon avenue to Jackson avenue, so as to conform as nearly as practicable to the present surface of the street as filled; and also to raise the grade of Eleventh street from Jackson avenue, westwardly to the crown in the present established grade line of said street, between Ely and Van Alst avenues; also, to raise the grade of Ely avenue, from Jackson avenue to Twelfth street, so as to afford adequate cellar room above the sewers, as laid on said Ely avenue and Eleventh street respectively, and to make and file a map or maps showing such altered or amended grade; and from and after the filing of such map or maps in the office of the Secretary of State of the State of New York, and in the office of the clerk of Queens county, and in the office of the city clerk of Long Island city, the altered or amended grades as shown and laid down on the map or maps, by this section authorized to be filed as aforesaid, shall be the grade of the several streets and avenues or parts thereof to which such maps relate, with the same force and effect, in all respects, as though such altered or amended grades had been originally so laid down and established according to law; but no such change of grade shall be made in any street or avenue, or part thereof, after the same shall have been paved, curbed, guttered or flagged; and the fact

that such change, if any, was so made, prior to such paving, curbing, guttering or flagging, shall be certified by said commissioners on each map so filed by them."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Sayre
Birby	Emerson	Moore	Schoonmaker
Booth	Hammond	Morrissey	Starbuck
Bradley	Harris	Prince	Tobey
Carpenter	Jacobs	Robertson	Wagner
Cole	Kennaday	Rogers	Wellman
Coleman	Loomis		

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the Assembly bill entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof, passed June 28, 1873," with a message that they have non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Ogden, Lyon, Worth, Suydam and Talmage.

Mr. Kennaday moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Kennaday, Sayre and Emerson.

*Ordered*, That the Clerk return said bill to the Assembly with a message assenting to the appointment of a committee of conference.

The Assembly returned the Assembly bill entitled "An act to confirm and legalize the acts of David Day 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888, of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment," with a message that they have non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. McFalls, T. W. Bradley, Peabody, Crosby and Ballou.

Mr. Moore moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Moore, Sayre and Hammond.

*Ordered*, That the Clerk return said bill to the Assembly with a message assenting to a committee of conference.

The Assembly returned the bill entitled "An act relating to the expenses of judicial sales in the county of Kings," with a message that they have non-concurred in the amendments of the Senate thereto,

and request a committee of conference thereon, and have appointed a committee on their part consisting of Messrs. Worth, Fish, Forster, McGroarty and Whitson.

Mr. Jacobs moved that a like committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. Jacobs, Tobey and Coleman.

*Ordered*, That the Clerk return said bill to the Assembly, with a message assenting to the appointment of a committee of conference.

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to the marine court in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release the interest of the State of New York in and to certain lands in the city of Troy, to Catharine Maginnis, widow of Thomas Maginnis, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relinquishing title and jurisdiction to the United States over certain land covered with water at West Point," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

"An act to amend an act entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April 24, 1872, as further amended by an act entitled as last above, passed April 23, 1873," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

"An act to authorize the county judge of the county of Kings and the surrogate of said county to appoint an interpreter for their courts and to provide for his compensation therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act to amend chapter 444 of the Laws of 1874, entitled 'An act to create a board of excise in the several towns of this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend section 76, article 5, title 4, chapter two, part 3 of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to establish a police district in the town of New Lots, and to provide for the government thereof," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to exempt that portion of the towns of Flatbush and New Utrecht, in the county of Kings, being the place known as Parkville (an unincorporated village), from the operations and provisions of a certain act passed May 7, 1869, entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' and such other acts as are supplementary thereto and amendatory thereof, in so far as said act and acts relate to the opening of new streets and avenues in said Parkville, and in closing old ones therein, and to declare certain streets, roads and avenues therein to be public highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872, being chapter 675 of the Laws of 1872, and the act or acts amendatory thereof or supplementary thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to distribute the school tax derived from that portion of the Southern Central railroad running through the town of Harford, in the county of Cortland, equally among the school districts of said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McCarthy, and by unanimous consent the rules were suspended, and said bill was ordered to a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same.

"An act to amend chapter 144 of the Laws of 1876, entitled 'An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of \$50,000 to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter 375 of the Laws of 1852.'"

"An act to authorize the city of Buffalo to issue certificates of indebtedness for the purpose of raising moneys to supply the deficiency in the city treasury, caused by the defalcation of the late city treasurer."

"An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York."

"An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York."

"An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter 633 of the Laws of 1873, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to amend chapter 140 of the Laws of 1850, entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Hammond asked and obtained leave to introduce a bill entitled "An act to authorize an additional number of firemen in the village of Canandaigua," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hammond, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

On motion of Mr. Booth, the Senate then went into executive session; and after some time spent therein the doors were opened, and,

On motion of Mr. Woodin, the Senate took a recess until half-past 7 o'clock.

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### HALF-PAST SEVEN O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the concurrent resolution proposing an amendment to article 9 of the Constitution, relative to the common schools, was ordered considered in first committee of the whole not full.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, and the following entitled Assembly bills were ordered considered in first committee of the whole not full.

"An act to amend an act to provide for the incorporation of fire insurance companies, passed May 4, 1864, in regard to the investment of their capital and surplus profits."

"An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act to provide for a uniform system for the repavement of streets, avenues and public places in the city of New York, passed May 28, 1875," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for laying an additional main from Loughberry water-works in the town and village of Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Selkreg, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

"An act in relation to the district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relative to service of process upon insurance companies incorporated under the laws of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 440 of the Laws of 1873, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,' which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Schoonmaker, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bradley	Harris	Prince	Selkreg
Carpenter	Kennaday	Robertson	Starbuck
Cole	Lamont	Rogers	Wellman
Coleman	Loomis	Sayre	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

"An act to provide ways and means for the support of government," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Loomis	Sayre
Bixby	Hammond	McCarthy	Schoonmaker
Bradley	Harris	Moore	Selkreg
Cole	Jacobs	Prince	Starbuck
Coleman	Kennaday	Robertson	Wellman
Doolittle	Lamont	St. John	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act additional to chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn, passed May 6, 1870,'" was ordered considered in first committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to appeals in high-way cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to facilitate the assessment of lands of non-resident owners in the several towns of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable the court of general sessions of the peace of the city and county of New York to appoint an interpreter," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 76, article

5, title 4, chapter 2, part 3 of the Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President designated the following persons to remain after the session of the Senate, namely, H. A. Griswold, William C. Stead and J. Stanley Browne.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the United States Deposit Fund," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act for the relief of John B. Halsted and his grantees."

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended and said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 52 of the Laws of 1875, entitled 'An act to provide for the discharge of judgments against persons discharged under the United States bankrupt law,' passed March 28, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harris offered the following:

*Resolved* (if the Assembly concur), That permission be granted to the executive committee of Decoration day of the Grand Army of the Republic in the city of Albany, to remove from the Bureau of Military Statistics the flags of the Albany county volunteer regiments, for the purpose of carrying the same in procession on Decoration day, May 30, 1876; said flags to be returned to the Bureau at the expiration of the parade on that day.

*Ordered*, That said resolution be laid upon the table.

Mr. Emerson moved that the committee of the whole be discharged from the consideration of the Assembly bill entitled "An act to amend an act, passed 17, 1875, entitled 'An act supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813,'" and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof.

The Assembly bill entitled "An act to amend chapter 294, Laws of 1831, being an act incorporating the village of Plattsburgh, passed April 26, 1831," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Emerson	Kennaday	Rogers
Bradley	Gerard	Loomis	St. John
Carpenter	Hammond	McCarty	Sayre

Cole  
Coleman  
Doolittle

Harris  
Jacobs

Moore  
Robertson

Schoonmaker  
Starbuck

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Carpenter  
Cole  
Coleman  
Doolittle

Emerson  
Harris  
Jacobs  
Kennaday  
Lamont  
Loomis

McCarthy  
Morrissey  
Robertson  
Rogers  
St. John  
Sayre

Schoonmaker  
Selkreg  
Starbuck  
Wagner  
Wellman

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years 1869, 1870, 1871 and 1872, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor," was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby  
Bradley  
Carpenter  
Cole  
Coleman  
Doolittle

Gerard  
Jacobs  
Kennaday  
Lamont  
Loomis  
McCarthy

Robertson  
Rogers  
St. John  
Sayre  
Schoonmaker

Selkreg  
Starbuck  
Tobey  
Wagner  
Wellman

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the appointment of an additional policeman in the city of Schenectady for the protection of the property of Union College," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Wagner
Doolittle	Lamont	St. John	Wellman
Emerson	Loomis	Sayre	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city for second mortgage bonds upon the section of such railroad lying between 'Rosses,' on the Buffalo division of the Erie railway, and Sonyea, in Livingston county, having been announced for a third reading,

On motion of Mr. Emerson, and by unanimous consent, said bill was amended as follows :

SECTION 1, line 1, Strike out the words "The city of Rochester" and insert in lieu thereof the words "The common council of the city of Rochester by a vote of three-fourths of the members elected thereto."

Same section, line 12, after the word "therein" insert the words "and after depots and fences are built on such section and claims for right of way settled."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Doolittle	McCarthy	Schoonmaker
Bradley	Emerson	Robertson	Starbuck
Carpenter	Harris	Rogers	Tobey
Cole	Kennaday	St. John	Wagner
Coleman	Loomis	Sayre	Wellman
			20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to facilitate the determination of claims against the city or county of New York, and the board of education of the city of New York," reported in favor of the passage of the same (Mr. Woodin dissenting), and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,' passed May 14, 1872, being chapter 675 of the Laws of 1872, and the acts amendatory thereof and supplementary thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish a police district in the town of New Lots, and to provide for the government thereof," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869," reported adversely thereto.

Mr. Harris moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to exempt that portion of the towns of Flatbush and New Utrecht, in the county of Kings, being the place known as Parkville (an unincorporated village), from the operations and provisions of a certain act passed May 7, 1869, entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' and such other acts as are supplementary thereto and amendatory thereof, in so far as said act and acts relate to the opening of new streets and avenues in said Parkville, and in closing old ones therein, and to declare certain streets, roads and avenues therein to be public highways," reported in favor of the passage of the same.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

The Assembly bill entitled "An act to amend chapter 389 of the Laws of 1872, entitled 'An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, Queens county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	St. John
Bixby	Gerard	Moore	Sayre
Bradley	Kennaday	Prince	Selkreg
Carpenter	Lamont	Robertson	Wagner
Coleman	Loomis	Rogers	Wellman

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the Buffalo and Grand Island Ferry Company to increase its capital stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Starbuck
Bradley	Kennaday	Robertson	Tobey
Carpenter	Loomis	Rogers	Wagner
Coleman	McCarthy	Sayre	Wellman
Doolittle	Moore	Selkreg	Woodin
Emerson			

21

## FOR THE NEGATIVE.

Jacobs	Schoonmaker	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The committee of conference, appointed by the Senate and Assembly relative to the matters in difference between the two Houses, in the matter of the bill entitled "An act to confirm and legalize the acts of David Day 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888 of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment," having met and duly considered the same, have agreed to recommend that the Senate recede from its amendments made to said bill.

D. A. MOORE,  
S. H. HAMMOND,  
T. S. SAYRE,

*Com. on part of Senate.*

DAVID McFALLS,  
THOMAS W. BRADLEY,  
WILBER BALLOU,  
CHAS. A. PEABODY, JR.,

*Com. on part of Assembly.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Prince	Schoonmaker
Booth	Gerard	Robertson	Selkreg
Bradley	Kennaday	Rogers	Wagner
Carpenter	Loomis	St. John	Wellman
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly bill entitled "An act to legalize the State and county taxes in the city of Cohoes, Albany county, for the years 1870, 1871, 1872, 1873 and 1874, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid State and county taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Schoonmaker
Bixby	Gerard	Morrissey	Starbuck
Booth	Harris	Robertson	Tobey
Bradley	Kennaday	Rogers	Wagner
Carpenter	Loomis	St. John	Wellman
Coleman	McCarthy		

22

## FOR THE NEGATIVE.

Prince

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act entitled an act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Harris	Prince	Selkreg
Carpenter	Jacobs	Robertson	Wagner
Coleman	Kennaday	St. John	Wellman
Doolittle	McCarthy	Sayre	

19

## FOR THE NEGATIVE.

Booth

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes, passed May 19, 1869, and the act amendatory thereof, passed May 11, 1871,' passed March 4, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Gerard	Moore	Sayre
Bixby	Jacobs	Morrissey	Starbuck
Carpenter	Kennaday	Prince	Tobey
Coleman	Lamont	Robertson	Wagner
Doolittle	Loomis	Rogers	Wellman
Emerson	McCarthy		

22

## FOR THE NEGATIVE.

Booth

Schoonmaker

Selkreg

3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 23, title 2 of the amended charter of the city of Brooklyn, passed June 28, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Moore	Selkreg	
Carpenter	Kennaday	Prince	Starbuck	
Coleman	Lamont	Robertson	Tobey	
Doolittle	Loomis	St. John	Wagner	
Gerard	McCarthy	Schoonmaker	Wellman	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for lands taken from Prospect park for reservoir purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Morrissey	Schoonmaker	
Bixby	Lamont	Robertson	Selkreg	
Carpenter	Loomis	Rogers	Vedder	
Coleman	McCarthy	St. John	Wagner	
Harris	Moore	Sayre	Wellman	
Jacobs				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of 'The Orphan Asylum Society of the city of Brooklyn,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Harris	Moore	Schoonmaker	
Bixby	Jacobs	Morrissey	Selkreg	
Bradley	Kennaday	Robertson	Starbuck	
Carpenter	Lamont	Rogers	Wagner	
Coleman	Loomis	St. John	Wellman	
Gerard	McCarthy	Sayre		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the deposit of securities by plate-glass insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:



## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Rogers
Bixby	Gerard	Loomis	St. John
Booth	Harris	McCarthy	Sayre
Bradley	Jacobs	Robertson	Schoonmaker
Carpenter			

17

## FOR THE NEGATIVE.

Morrissey	Starbuck		
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings," having been announced for a third reading,

Mr. Kennaday moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the twelfth section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Cole	McCarthy	Rogers	Vedder
Coleman	Moore	Sayre	Wellman
Doolittle	Prince	Selkreg	Woodin
Harris	Robertson		

14

## FOR THE NEGATIVE.

Baaden	Hammond	Lamont	St. John
Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard			

13

Mr. Rogers moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Cole	McCarthy	Rogers	Vedder
Coleman	Moore	Sayre	Wellman
Doolittle	Prince	Selkreg	Woodin
Harris	Robertson		

14

## FOR THE NEGATIVE.

Baaden	Hammond	Lamont	St. John
Bixby	Jacobs	Loomis	Schoonmaker
Bradley	Kennaday	Morrissey	Starbuck
Gerard			

13

Mr. Vedder, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 444 of the Laws of 1874, entitled 'An act to create a board of excise in the several

towns of this State,'” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wellman, from the committee on militia, to which was referred the Assembly bill entitled “An act relinquishing title and jurisdiction to the United States over certain land covered with water at West Point,” reported in favor of the passage of the same.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Wellman, from the committee on State prisons, to which was referred the bill entitled “An act authorizing the appointment of extra guard and an engineer at the Auburn prison,” reported in favor of the passage of the same.

On motion of Mr. Wellman, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled “An act confirming certain rights and powers in elevated railroads now in actual use and operation, and providing compensation for property taken therefor,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Selkreg, from the committee on railroads, to which was referred the bill entitled “An act to amend chapter 448 of the Laws of 1865, entitled ‘An act to facilitate the construction of railroads and tramroads within the counties of Clinton and Essex, and to authorize the formation of companies therefor,’ and to extend the operation thereof to the counties of Columbia, Washington and Saratoga,” reported in favor of the passage of the same.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and said bill was ordered to a third reading.

Mr. Selkreg, from the committee on railroads, to which was referred the Assembly bill entitled “An act to regulate the transportation of coal on railroads,” reported adversely thereto, which report was agreed to, and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The committee of conference of the Senate and Assembly on the disagreeing votes of the two Houses on Senate bill No. 86, entitled “An act to further amend chapter 721 of the Laws of 1871, entitled ‘An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,’ passed April 26, 1871,” report that they have fully and freely conferred on the said matters of difference, and have agreed to recommend to their respective Houses the following:

SECTION 1. Sections one, two, six, seven, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, thirty-six, forty and forty-one of chapter seven hundred and twenty-one of the Laws of eighteen hundred and seventy-one, entitled “An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,” passed April twenty-six, eighteen hundred and seventy-one, are hereby further amended so as to read as follows:

§ 1. No person shall kill or chase any moose or wild deer, in any part of the State, save only during the months of September, October and November, in any year. No person shall sell, expose for sale, transport or have in his or her possession, in this State, after the same has been

killed, any moose, wild deer, or fresh venison, save only during the months of September, October, November and December.

No person shall, at any time, in this State, kill any fawn during the time when it is in its spotted coat, or have in his or her possession the carcass or fresh skin of such fawn after the same shall have been killed. No person shall, in any part of this State, set any trap, spring-gun or other device at any artificial salt-lake, or other place, for the purpose of trapping and killing any moose or deer. It shall not be lawful to pursue deer with hounds in any county in this State, except from the fifteenth day of September to the fifteenth day of November; nor at any time in the county of Steuben. It shall not be lawful for any person to kill or cause to be killed any wild deer in the county of Suffolk, except from the first day of November until the fifteenth day of November in each year. It shall not be lawful for any person, at any time, to kill, or cause to be killed any wild deer while standing, walking, running, swimming, or lying down in any of the waters, ponds or streams of the county of Suffolk. Any person offending against any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and in addition shall be liable to a penalty of fifty dollars for each moose or wild deer or fawn so killed or pursued or trapped, and for every spring-gun so set, or moose or wild deer or fawn skin or fresh venison had in his or her possession, and may be proceeded against therefor in any county of the State in which the offender or prosecutor may reside.

§ 2. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any wild duck, goose or brant, between the first day of May and the first day of September, under a penalty of twenty-five dollars for each and every one killed or had in possession; and no person shall at any time kill any of said birds between sunset and daylight, nor pursue nor fire at any of said birds with the aid of any light or lantern, under the same penalty for each bird so killed or pursued or fired at.

§ 6. No person shall kill or expose for sale, or have in his possession after the same has been killed, any woodcock, between the first day of February and the first day of (September) in each year, under a penalty of fifty dollars, except on Long Island, where it shall be lawful to kill or expose for sale or have the same in possession at any time, except between the first day of January and the third day of July.

§ 7. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any quail, between the first day of January and the twentieth day of October (under a penalty of ten dollars for each bird). No person shall kill or expose for sale, or have in his or her possession after the same has been killed (except in the counties bordering on lake Ontario and the St. Lawrence river and the counties of Genesee, Livingston and Seneca), any hare or rabbit, between the first day of January and the twentieth day of October, nor shall any person at any time kill or hunt as aforesaid, any hare or rabbit with ferrets, under a penalty of ten dollars for each hare or rabbit, so hunted and killed.

§ 14. No person shall, at any time or place within this State, take or kill any ruffed grouse, commonly called partridge, any pinnated grouse, commonly called prairie chicken, or any quail, with any net, trap or snare; nor set any such net, trap or snare for the purpose of taking or killing any of said birds; nor shall any person sell or expose for sale

or have in his or her possession any of said birds after the same shall have been so taken or killed, under a penalty of (ten dollars) for each bird. And it shall be lawful for any person to take and destroy any such nets, traps or snares whenever found set.

§ 15. There shall be no shooting, hunting, trapping or caging of bird or wild beast, or having in possession in the open air, the implements for the shooting, hunting, trapping or caging of the same, on the first day of the week called Sunday. And any person violating the provisions of this section shall be liable to a penalty of not more than twenty-five dollars nor less than ten dollars for each offense.

§ 16. Any person who shall knowingly trespass upon lands, for the purpose of shooting, hunting or fishing thereon, after public notice by the owner or occupant thereof, as provided in the following section, shall be liable to such owner or occupant, in exemplary damages, to an amount not exceeding (ten dollars), and shall also be liable to such owner or occupant for the value of the game killed or taken. The possession of implements of shooting or fishing shall be presumptive evidence of the purpose of the trespass.

§ 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign boards, at least one foot square, in at least two conspicuous places on the premises; such notices to have appended thereto the name of the owner or occupant; and any person who shall tear down or in any way deface or injure any such sign board, shall be liable to a penalty of ten dollars.

§ 18. No person or corporation shall throw or deposit or permit the same to be thrown or deposited, any coal tar, refuse from gas-houses or dye-houses, or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds or streams of this State, wherein provision is made by law for the protection of fish. Whoever shall offend against the provisions of this section shall forfeit not to exceed fifty dollars, in the discretion of the court having cognizance, for each offense.

§ 19. No person shall, at any time, catch any speckled trout with any device save that of angling, except in waters which are wholly private, and only then by permission of the owner thereof; nor shall any person set or draw any net or seine of any description, nor use any set-line in any lake, pond or stream inhabited by brook trout, nor have on the shores thereof any net, seine, set-line or other unlawful device, for the taking of fish, except as above provided. And any person who shall offend against any of the provisions of this section shall, for each offense, forfeit a sum not less than ten dollars nor more than twenty-five dollars, in the discretion of the court having cognizance of the offense; and all nets, seines and other devices forbidden by this section are hereby declared contraband, and any person finding the same in any place where they are forbidden, is authorized to destroy such contraband articles, and no action for damage shall lie against him for such destruction.

§ 20. No person shall kill, or expose for sale, or have in his or her possession after the same has been killed, any speckled trout, save only from the fifteenth day of March to the first day of September, under a penalty not exceeding twenty-five dollars for each fish.

§ 25. No person shall kill or catch any fish, except minnows, in the Mohawk or Clyde rivers, or their tributaries, Irondequoit bay, Braddock's bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond, in the county of Monroe, or in the inlets thereof, or in the

waters of Niagara river in the county of Erie, or in the lakes in the counties of Westchester, Rockland, Wyoming, Clinton, Columbia, Dutchess, Ulster, Onondaga, Genesee, Orange, Putnam, Herkimer, Rensselaer, Saratoga, Sullivan, Tioga, Cortland, Broome and Livingston, or in the inlets thereof, or in the canals or feeders in the county of Herkimer, by any trap, dam, weir, net, seine or by any device whatever, other than that of angling with hook and line, or with a spear, under a penalty of twenty-five dollars for each offense. All fishing in the aforesaid Braddock's bay, Little pond, Round pond, Cranberry pond, Buck pond and Long pond, in the county of Monroe, in the months of January, February and March, or either, is hereby prohibited and forbidden; and no person shall take or catch any black or Oswego bass in the waters of Lake George, except from the twelfth day of July to the first day of January, under a penalty of ten dollars for each fish so taken, nor shall any fish be taken therein, except by angling, under a like penalty for each fish so taken.

§ 36. Any justice of the marine or district court in the city of New York, or any justice of the peace, police or other magistrate, upon receiving sufficient security for costs, on the part of the complainant, and sufficient proof by affidavit, that any of the provisions of this act have been violated by any person being temporarily within its jurisdiction, but not residing there permanently, or by any person whose name and residence are unknown, is hereby authorized to issue his warrant for the arrest of such offender, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof of probable cause for believing in the concealment of any game or fish mentioned in this act, [and taken within this State] during any of the periods prohibited [and upon the complainant's giving security, to be approved by such magistrate, for the damage which the defendant in the case may sustain in consequence of the complaint, provided he shall be found not to have violated the law], shall issue his search-warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, locker, crate or basket to be broken open and the contents examined. Any court of special sessions is hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county.

§ 40. Any person having in his possession on the shores of any lake, or on the banks of, or upon any waters inhabited by salmon, salmon trout, lake trout, black or Oswego bass, or muscalonge, during the closed season, without the permission of the commissioner of fisheries, any snares, nets, stake-poles, or other devices used in unlawfully taking such fish, shall be liable to a penalty of [twenty-five] dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy.

§ 41. No person shall place in any fresh water stream, lake or pond any lime or other deleterious substance, or any drug or medicated bait, with the intent thereby to injure, poison or catch fish; nor place in any pond or lake, stocked with or inhabited by trout, any bass, pike, pickerel or sun-fish, or any drug or other deleterious substance, with the intent to destroy such trout. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, in addition thereto, and in addition to any damage he may have done, be liable to a penalty of one hundred dollars.

§ 2. The above recited act is hereby further amended by adding thereto the following supplementary provisions :

§ 48. No person shall take in any of the tide-waters of this State, nor have in his possession during the months of November, December, January, February, March and the first fifteen days of April, any of the shell fish called crabs. Whoever shall offend against the provisions of this section shall pay a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

§ 49. Every offense committed against the provisions of this act shall be a misdemeanor, and courts of special sessions in towns and in villages, and the several courts in cities having jurisdiction to try other misdemeanors, shall have jurisdiction to try offenders in all cases occurring under this act in the same manner as in other cases where they now have jurisdiction, and to render and enforce judgment accordingly.

§ 50. It shall be the duty of every sheriff, under sheriff, deputy sheriff, officer of police or policeman, and of every constable and every game constable, to arrest without warrant any person whom they shall find violating any of the provisions of this act, and to immediately bring such offender before the nearest magistrate having jurisdiction of the offense for examination or for trial, as in the next preceding section provided.

§ 51. It shall be the duty of all sheriffs, sheriffs' officers, constables, game constables, police officers, policemen and magistrates, diligently to enforce these provisions, and for a neglect to do so, the officer in default shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail of not less than five days nor more than thirty days.

§ 52. In any prosecution or trial under the provisions of this act, of any person for having in his possession any quadrupeds, birds, fish or shell fish in the months or parts of months when by law he is forbidden to have the same, it shall be lawful to be shown in evidence that the quadrupeds, birds, fish or shell fish in question were not taken or killed within the time prohibited by law, or were not taken or killed within this State; and such fact, when proved to the satisfaction of the court having jurisdiction of the offense alleged, shall be a sufficient defense to such action.

§ 53. All fines or misdemeanors recovered by the provisions of this act and the moiety of all penalties recovered in civil actions thereunder shall be paid over by the court receiving the same to the treasurer of the county wherein the offense was committed within ten days after their reception by such court, and such money shall be kept by such treasurer as a separate fund to be applied to the enforcement of the provisions of this act in such manner as the board of supervisors may direct, either for the employment of special detectives or the payment of rewards for the detection and arrest of offenders; and each of the boards of supervisors of this State shall have power to raise by tax, in the same manner as other taxes are raised for county purposes, such sum, not exceeding one thousand dollars in any year, as they shall deem proper, to further aid in the enforcement of the provisions of this act.

§ 3. This act shall take effect immediately.

C. P. VEDDER,  
SHERMAN S. ROGERS,  
*Com. on part of Senate.*

R. U. SHERMAN,  
L. INGALLS,  
J. S. BROWN,  
C. F. TABOR,  
*Com. on part of Assembly.*

Mr. Kennaday moved that the Senate disagree to the report of the committee, that a new committee of conference be appointed, and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Kennaday, Carpenter and Moore.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have disagreed to the report of the committee of conference thereon, and have appointed a new committee.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his excellency the Governor, requesting him to return Assembly bill No. 112, entitled "An act to amend chapter 329 of the Laws of 1874, entitled 'An act to re-enact and amend an act entitled An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,'" for concurrence by the Assembly in the amendments made by the Senate.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

Assembly, "An act in relation to the salaries of certain officers and employes of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Kennaday, from said committee, reported in favor of the passage of the said named bill, with amendments, and the title amended so as to read "An act in relation to the local government of the city of New York," which report was agreed to, and the same ordered to a third reading.

The conference committee appointed by the Senate and Assembly to consider and determine the difference arising between the two Houses upon the bill entitled "An act to reduce the expenses of judicial sales in the county of Kings," have taken the same into consideration, and respectfully recommend that the Senate recede from its amendment to section 2. That section 1 be amended by inserting after the words "is a party," on the third line, the words "except where both parties to the suit agree upon a referee to be appointed by the court." That the Senate adhere to its amendments to the title.

JOHN C. JACOBS,  
F. W. TOBEY,  
THOS. COLEMAN,  
*Senate Committee.*

JACOB WORTH,  
HAMILTON FISH,  
GEO. H. FORSTER,  
JOHN MCGROARTY,  
GEO. T. WHITSON,  
*Assembly Committee.*

Mr. Rogers moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Kennaday	Lamont	4
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FOR THE NEGATIVE.

Bixby	Gerard	Robertson	Tobey	
Carpenter	Harris	Rogers	Vedder	
Cole	Loomis	St. John	Wagner	
Coleman	McCarthy	Sayre	Wellman	
Doolittle	Moore	Selkreg	Woodin	
Emerson	Morrissey	Starbuck		23

Mr. Rogers moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings," was lost.

Mr. Jacobs moved to lay the motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baaden	Hammond	Lamont	St. John	
Bixby	Jacobs	Loomis	Schoonmaker	
Booth	Kennaday	Morrissey	Starbuck	
Gerard				13

FOR THE NEGATIVE.

Carpenter	Harris	Rogers	Vedder	
Cole	McCarthy	Sayre	Wagner	
Coleman	Moore	Selkreg	Wellman	
Doolittle	Robertson	Tobey	Woodin	
Emerson				17

Mr. Jacobs moved that the Senate do now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative (President voting in the affirmative), as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Lamont	Schoonmaker	
Booth	Hammond	Loomis	Starbuck	
Carpenter	Jacobs	Morrissey	Wagner	
Emerson	Kennaday	St. John		15

FOR THE NEGATIVE.

Cole	McCarthy	Rogers	Vedder	
Coleman	Moore	Sayre	Wellman	
Doolittle	Prince	Selkreg	Woodin	
Harris	Robertson	Tobey		15

The Senate then went into executive session, and after some time spent therein, the doors were opened, and the Senate resumed legislative business.



Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Loomis	Schoonmaker	
Gerard	Kennaday	Morrissey	Starbuck	
Hammond	Lamont	St. John		11

FOR THE NEGATIVE.

Booth	Harris	Rogers	Vedder	
Carpenter	McCarthy	Sayre	Wagner	
Cole	Moore	Selkreg	Wellman	
Coleman	Prince	Tobey	Woodin	
Doolittle	Robertson			18

The committee of conference, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof, passed June 28, 1873," reported as follows :

That they have agreed to amend the amendments of the Senate by inserting the words "one month" in place of the words "two months," as it first appears in said bill, and the words "one month" in place of the words "two months," as it second appears in said bill, and the words "two months" in place of the words "three months," as it now appears in said bill.

All of which is respectfully submitted.

JOHN R. KENNADAY,  
T. S. SAYRE,  
W. N. EMERSON,  
*Senate Committee.*

JONATHAN OGDEN,  
ADRIAN M. SUYDAM,  
TEUNIS V. P. TALMAGE,  
C. L. LYON,  
JACOB WORTH,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Kennaday	Prince	Starbuck	
Doolittle	Lamont	Robertson	Vedder	
Gerard	Loomis	Rogers	Wagner	
Hammond	McCarthy	St. John	Wellman	
Harris	Moore	Sayre	Woodin	
Jacobs	Morrissey	Schoonmaker		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

Mr. Jacobs moved that the Senate take a recess for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Jacobs	Lamont	Morrissey	
Gerard	Kennaday	Loomis	Schoonmaker	
Hammond				9

## FOR THE NEGATIVE.

Bixby	Emerson	Robertson	Tobey
Booth	Harris	Rogers	Vedder
Carpenter	McCarthy	St. John	Wagner
Cole	Moore	Sayre	Wellman
Doolittle	Prince	Selkreg	Woodin
20			

The President announced the pending question to be to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to provide for the creation of a board of charities and for a better administration of the public charities in the county of Kings," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	
19			

## FOR THE NEGATIVE.

Baaden	Hammond	Lamont	St. John
Bixby	Jacobs	Loomis	Schoonmaker
Gerard	Kennaday	Morrissey	Starbuck
12			

The President put the question whether the Senate would agree to reconsider the vote by which said bill was lost.

Pending which,

Mr. Jacobs moved that the final vote on said bill be taken to-morrow morning at 11 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Jacobs	Loomis	St. John
Bixby	Kennaday	Morrissey	Schoonmaker
Hammond	Lamont		
10			

## FOR THE NEGATIVE.

Booth	McCarthy	Rogers	Vedder
Cole	Moore	Sayre	Wagner
Coleman	Prince	Selkreg	Wellman
Doolittle	Robertson	Tobey	Woodin
Emerson			
17			

Mr. Vedder moved that the final vote be taken on said bill at 15 minutes before 12 to-night, without debate, amendment or delay.

Mr. Jacobs moved to lay the motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Coleman	Jacobs	Kennaday	Schoonmaker
4			

## FOR THE NEGATIVE.

Booth	McCarthy	Rogers	Vedder
Carpenter	Moore	Sayre	Wagner
Cole	Prince	Selkreg	Wellman
Doolittle	Robertson	Tobey	Woodin
Harris			

17

Mr. Vedder moved to amend his motion so that the final vote be taken 10 minutes before 12 o'clock to-night without debate, amendment or delay.

Mr. Jacobs moved to lay the motion on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Jacobs

1

## FOR THE NEGATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	

19

The President then put the question whether the Senate would agree to said motion of Mr. Vedder to amend, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	

19

## FOR THE NEGATIVE.

Jacobs

1

Mr. Jacobs moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Jacobs

1

## FOR THE NEGATIVE.

Booth	Harris	Rogers	Vedder
Carpenter	McCarthy	Sayre	Wagner
Cole	Moore	Selkreg	Wellman
Coleman	Prince	Tobey	Woodin
Doolittle	Robertson		

18

The President then put the question whether the Senate would agree to reconsider the vote by which said bill was lost, and it was decided in the affirmative.

Mr. Woodin moved that the final vote on said bill be taken at 1 o'clock without debate, amendment or delay.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Booth, and by unanimous consent, the rules were suspended, and the committee of the whole were discharged from the further consideration of the Assembly bill entitled "An act to facilitate the determination of claims against the city or county of New York, and the board of education of the city of New York," and the same was ordered to a third reading.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act for the incorporation of District Grand Lodge No. 1 of the Independent Order of Benal Berith," reported adversely thereto, which report was agreed to and said bill rejected.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to revise and consolidate the several Laws in relation to the village of Whitehall,' passed March 16, 1850, and other acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Hammond	Morrissey	Selkreg
Booth	Harris	Prince	Starbuck
Bradley	Jacobs	Robertson	Tobey
Cole	Kennaday	Rogers	Vedder
Coleman	McCarthy	Sayre	Wagner
Doolittle	Moore	Schoonmaker	Wellman
			24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Bixby, and by unanimous consent, the rules were suspended, and the committee of the whole were discharged from the further consideration of Assembly bill entitled "An act to incorporate St. Raymond's cemetery of Westchester, in the State of New York," and the same was ordered to a third reading.

On motion of Mr. Vedder, and by unanimous consent, the rules were suspended, and the committee of the whole were discharged from the further consideration of Assembly bill entitled "An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,'" and the same was ordered to a third reading.

The Assembly bill entitled "An act to repeal chapter 429 of the Laws of 1870, entitled 'An act to amend an act entitled An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the county of Westchester, passed April 16, 1860, and the acts amendatory thereof, passed March 26, 1861, and May 5, 1863, and April 17, 1868, so that all of said acts shall apply to the county of Richmond as well as the county of Westchester,' and chapter 435 of the Laws of 1874, amending said chapter 429 of the Laws of 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Prince	Starbuck
Booth	Harris	Robertson	Tobey
Bradley	Kennaday	Rogers	Vedder
Carpenter	Lamont	Sayre	Wagner
Coleman	McCarthy	Schoonmaker	Wellman
Doolittle	Moore	Selkreg	Woodin
Emerson	Morrissey		

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Emerson, and by unanimous consent, the committee of the whole were discharged from the further consideration of the bill entitled "An act to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law died seized and possessed," and the same was ordered to a third reading.

On motion of Mr. Jacobs, and by unanimous consent, the rules were suspended, and the bill entitled "An act to incorporate the Grand Lodge of the Order of Herman Sons of the State of New York," was ordered to a third reading.

The hour of 1 o'clock A. M. having arrived, the President announced the question to be on the final passage of the bill entitled "An act to provide for the creation of a board of charities, and for a better administration of the public charities in the county of Kings."

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Booth	Emerson	Robertson	Vedder
Carpenter	Harris	Rogers	Wagner
Cole	McCarthy	Sayre	Wellman
Coleman	Moore	Selkreg	Woodin
Doolittle	Prince	Tobey	

19

## FOR THE NEGATIVE.

Baaden	Gerard	Kennaday	Schoonmaker
Bixby	Hammond	Morrissey	Starbuck
Bradley	Jacobs		

10

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act relating to the local government of the city of New York," with a message that they had concurred in the passage of the same, with the following amendments (reference being had to engrossed bill) :

Section 5, line 1, strike out the word "any." Line 21, strike out all after the word "city," down to and including the word "confirmed," in line 26, and insert in lieu thereof "nor to the Riverside avenue or drive."

Strike out all after the word "sections," in line 32, down to and including the word "payments," in line 44, and insert in lieu thereof, "eight, nine, ten and eleven of this act."

Section 7, line 2, insert after the word "year" the words "after the year eighteen hundred and seventy-six." Line 13, insert after the word "year" the words "after the year eighteen hundred and seventy six." Line 27, strike out the word "shall" and insert the word "may."

Section 11, strike out all after the word "provided," in line 7, down to the end of the section.

Section 17, line 11, strike out the words "or to report on."

Section 19, lines 4 and 5, strike out the words "or confirmed." Line 17, strike out the words "or pursuant to contract entered into." Add at the end of section the following: "The assessments for taxation made upon wharves, piers and bulk-heads in the city of New York, prior to May 1, 1876, are hereby confirmed."

Section 20, strike out all after the word "thereof," in line 26, down to the end of the section, and insert in lieu thereof the following: "The whole assessment against any lot, piece or parcel of property benefited for the costs, charges and expenses of regulating, grading, paving, sewerage and otherwise improving any street, road or avenue, shall not exceed one-half of the last assessed valuation of any such lot, piece or parcel of property; and any assessment or assessments heretofore made for regulating, grading, paving, sewerage or otherwise improving Sixth and Seventh avenues north of 110th street in said city (the said avenues being each of the width of 150 feet) in excess of one-half of the costs, charges and expenses of any such work, shall be reduced by the amount of such excess upon petition to the Supreme Court by any person aggrieved thereby; the proceedings upon such petition to be the same as upon petitions for the vacation or reduction of assessments in said city."

Section 21, add at the end of section the following: "Nothing in this act contained shall affect or impair the powers conferred on the commissioners of the department of public parks of the city of New York under chapter 604 of the Laws of 1874, entitled 'An act to provide for the survey, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor.'"

Section 27, lines 13 and 14, strike out the words "except upon affirmative proof on the part of the plaintiff in any suit," and insert in lieu thereof the following: "provided it shall be made to appear on the part of the defendant in any suit."

Line 15, insert the word "not" after the word "was."

Lines 16 and 17, strike out the word "unexpended."

Line 17, insert after the word "same" the following: "in excess of liabilities previously incurred payable therefrom."

Section 28, line 5, strike out the words "in detail." Strike out all after the word "claimant," in lines 9 and 10, down to and including the word "contracted" in line 12. Strike out all after the word "account," in line 17, down to and including the word "due" in line 31, and insert in lieu thereof the following: "of claims for salaries and wages, the transmission to the department of finance of the pay roll, stating the name of the officer or appointee, his residence, official designation, term of service, the rate of salary or wages, and the amount due, verified by

the official signatures of the proper officer or officers whose duty it is to transmit such pay roll, shall be a sufficient presentation of all such claims to the comptroller under the requirements of this section."

Line 31, strike out the words "it shall be lawful for" and insert in lieu thereof the words "it shall be the duty of." Strike out all after the word "comptroller," in line 31, down to and including the word "aforesaid" in line 34, and insert the following: "and he is hereby required to cause every such claim or account presented as aforesaid to be examined and audited by the auditing bureau of the finance department and the comptroller is hereby authorized and required to pay on demand of the party entitled to receive the same such amount as shall be approved by the comptroller and shall be found to be due by the auditing bureau on any such claim or account presented as aforesaid."

Line 37, insert after the word "therefor" the words "or without competent authority on the part of any officer of said city incurring the same."

Section 29, strike out all after the word "therein," in line 14, down to the end of the section.

Section 30, add at the end of section the words "excepting that in case the sum recovered be less than fifty dollars the costs shall not exceed the sum of seventy-five dollars."

Section 31, insert after the word "action" the words "cause of action." Same line, after the word "proceeding" insert the word "existing."

Section 33, strike out all of this section and insert in lieu thereof the following: "The board of estimate and apportionment is hereby authorized and directed to appropriate from time to time, by resolution of said board, from the excise money, hereafter derived from licenses for the sale of intoxicating liquors, such sums as in the judgment of said board shall seem proper to the police life insurance fund, and such moneys so appropriated shall be paid to the parties entitled to receive the same for the benefit of the persons in whose aid the said fund is intended to be applied, in such manner as is now directed by law in the case of excise moneys appropriated by said board to benevolent, charitable or humane societies or institutions."

Strike out all of section 34 and change following sections to correspond.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

#### FOR THE AFFIRMATIVE.

Bixby	Doolittle	Moore	Selkreg	
Booth	Emerson	Prince	Vedder	
Carpenter	Harris	Robertson	Wagner	
Cole	Kennaday	Rogers	Wellman	
Coleman	McCarthy	Sayre	Woodin	20

#### FOR THE NEGATIVE.

Bradley	Hammond	Schoonmaker	Starbuck	
Gerard				5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Jacobs moved to take from the table the report of the committee of conference upon the Assembly bill entitled "An act relating to the expenses of judicial sales in the county of Kings."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Kennaday	Schoonmaker
Bixby	Emerson	McCarthy	Tobey
Booth	Hammond	Moore	Vedder
Carpenter	Harris	Morrissey	Wagner
Cole	Jacobs	Prince	Wellman
Coleman			

21

FOR THE NEGATIVE.

Bradley	Robertson	Selkreg	Starbuck
Gerard	Rogers		

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to enlarge the powers of the Canal Board," with a message that they had concurred in the passage of the same, with the following amendments :

Section 3, line 8, after the word "persons," insert the words "of such service."

Insert the following as section 4 :

"§ 4. Whenever the Canal Board shall have appointed a committee consisting of at least three members of their board upon any subject or matter of which the board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, such committee shall have all the powers and be subject to all the duties herein given to and imposed upon the chairman of the Canal Board or the Canal Board, and the Canal Board may appoint such committee or committees whenever it may deem it proper to do so, and all the provisions of this act shall apply to such committee."

In section 4 (original engrossed bill), line 7, after the word "board," insert "or committee." Same section, line 11, after the word "board," insert "or of the committee, as the case may be." Same section, line 13, after the word "board," insert "or committee whom such board or committee shall direct."

Section 5, line 6 (original bill), after the word "custody," strike out "until," and insert "subject to."

Section 8, line 3, after the word "board," insert "or committee." Same section, line 15, after the word "board," insert "or committee, as the case may be."

Section 11, line 1, after the word "board," insert "or of any committee of the Canal Board." At the end of same section, add the words "or committee."

Mr. Harris moved that the Senate non-concur in said amendments, that a committee of conference be appointed, and that the Assembly be requested to appoint a like committee.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Harris, Cole and Starbuck.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly returned the bill entitled "An act to establish a State Board of Audit, and to define its powers and duties," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 5, strike out the words "State Treasurer" and insert the words "Lieutenant-Governor."

Strike out section 2 and insert the following in lieu thereof: "It shall be the duty of said board of audit and it shall have power to hear and determine all claims founded upon any law of this State or upon any contract express or implied, with the State, and also all claims which may be referred to said court by the Legislature or either house thereof. And on the hearing of any claim said board of audit shall have jurisdiction of all set-offs, counter-claims, claims for damages whether liquidated or not or other demands on the part of the State against any person making any claim against the State before said board of audit, and upon the hearing of the claim of any such person said board of audit shall also hear and determine such set-off, counter-claim, claim for damages or demands for as well as against the State, and if upon the whole case it determines that the claimant is indebted to the State it shall so decide. Every claimant shall present to said board of audit a written petition which shall be verified as a pleading in an action and shall contain a plain and concise statement of the facts constituting the claim. In case of failure of the petition to show on its face that the claim is of the character in which the board of audit has jurisdiction, the board of audit shall dismiss the claim without inquiring into the truth of the facts contained in the petition. The petition shall state the names of all persons interested in the claim and when and upon what consideration they became so interested. On presenting his claim to the board of audit, or at any time thereafter, the claimant shall serve a copy of such petition on the Attorney-General, and no step shall be taken by the board of audit until such service. The board of audit shall have no jurisdiction to hear any claim the petition in which shall not have been presented within six years from the time when the claim arose, but this act shall not validate any claim outlawed by any existing law at the time of the passage hereof. Said board of audit shall make its decision in writing and shall state all the material facts found, the legal conclusions drawn, and the sums awarded in detail for the different items of claims, counter-claims and set-offs heard by them."

At the end of section 3 add the following: "The said board of audit shall have the same power to issue subpoenas, and it is hereby vested with the same powers as the Supreme Court to compel the attendance of witnesses, to administer an oath, to compel them to testify and to produce books and papers material to the issues involved; and the Supreme Court shall have power to punish as for a contempt any disorderly behavior or willful disobedience to the authority of said board of audit after hearing."

Mr. Prince moved that the Senate do non-concur in said amendments, that a committee of conference be appointed and that the Assembly be requested to appoint a like committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Prince, Hammond and Harris.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly returned the bill entitled "An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer,'" with a message that they had concurred in the passage of the same with the following amendments:

Section 1, lines 24 and 25, strike out after the word "exceeding" the words "two hundred and." Same section, line 27, after the word "exceeding" strike out the words "one year" and insert the words "six months."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Coleman	Kennaday	St. John
Bixby	Doolittle	Loomis	Sayre
Booth	Gerard	McCarthy	Schoonmaker
Bradley	Hammond	Moore	Selkreg
Carpenter	Harris	Robertson	Starbuck
Cole	Jacobs	Rogers	Vedder 24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Robertson, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city," and the same ordered to a third reading.

Mr. Harris moved that the Senate take a recess until 9 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

WEDNESDAY, MAY 3, 1876.

The Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Selkreg, the reading of the journal of yesterday was dispensed with.

On motion of Mr. McCarthy, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to construct and protect sidewalks along highway,' passed March 10, 1860," and the same was ordered to a third reading.

On motion of Mr. Bixby, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the bill entitled "An act relative to the dissolution of corporations," and the same ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the concurrent resolution and bills entitled as follows:

*Resolved* (if the Assembly concur), That article 9 of the Constitution be amended by the addition of the following sections:

§ 2. The State shall maintain a system of common schools, which shall be free forever and non-sectarian. The Legislature shall provide for the instruction in the said schools in the branches of elementary education, for the period of at least twenty-eight weeks in each year, of all persons in the State between the ages of six and twenty-one years, by annually raising therefor, by tax upon the property in the respective counties, a sum of not less than three million dollars.

§ 6. Neither the money nor the property nor the credit of the State, nor of any county, town or municipal corporation or school district, shall be given, loaned to or be otherwise applied to the support or in aid of any school or schools not wholly under the control and management of the public school authorities of the State, or of the county, city, town village or school district in which they are located, and the instruction therein shall be non-sectarian.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months prior to the time of such election."

Assembly, "An act to amend an act to provide for the incorporation of fire insurance companies, passed May 4, 1864, in regard to the investment of their capital and surplus profits."

Assembly, "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875."

After some time spent therein, the President resumed the chair, and Mr. Carpenter, from said committee, reported in favor of the passage of said concurrent resolution, amended so as to read as follows:

*Resolved* (if the Assembly concur), That article 9 of the Constitution be amended by the addition of the following sections:

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year.

§ 3. Neither the money, property or credit of the State, nor of any county, city, town, village or school district, shall be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or

institution under the control or in charge of any church, sect, denomination or religious society, nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction; nor to or in aid of any school or instruction not wholly under the control and supervision and in charge of the public school authorities. This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb and juvenile delinquents as it may deem proper, except in institutions in which instruction is given peculiar to any church, creed, sect, denomination or religious society, nor shall it apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity with section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Booth	Hammond	Moore	Schoomaker
Carpenter	Harris	Robertson	Selkreg
Cole	Jacobs	Rogers	Wagner
Coleman	Kennaday	St. John	Wellman
Emerson	Loomis	Sayre	Woodin
Gerard	McCarthy		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Carpenter, from the same committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Carpenter, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Harris, and by unanimous consent, the rules were suspended, and the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to extend the time for the organization of the International Trust Company of New York," and the same ordered to a third reading.

On motion of Mr. Rogers, the Senate then went into executive session, and after some time spent therein the doors were opened, and the Senate resumed legislative business.

The Assembly returned the bill entitled "An act to enlarge the powers of the Canal Board," with a message that they accede to a committee of conference thereon, and appoint as such committee on their part Messrs. Burleigh, Gallagher, Hogeboom, Bissell and Sherman.

The Assembly bill entitled "An act to incorporate the Fulton Lake Park Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Emerson	Loomis	St. John
Booth	Gerard	McCarthy	Sayre
Carpenter	Hammond	Moore	Schoonmaker
Cole	Harris	Robertson	Wagner
Coleman	Jacobs	Rogers	Wellman
Doolittle	Kennaday		

22

## FOR THE NEGATIVE.

Prince

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Prince, and by unanimous consent, the rules were suspended, and the committee of the whole were discharged from the further consideration of the bill entitled "An act in relation to the Merchants' Loan Company," and the same ordered to a third reading.

Mr. Carpenter, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and amended April 22, 1867, April 27, 1871, March 27, 1872, May 14, 1873, and May 19, 1875," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Loomis offered the following:

*Resolved* (if the Assembly concur), That there be printed and bound in the usual style 3,000 copies of the State Engineer and Surveyor's report on railroads for the year ending September 30, 1875, provided the cost thereof shall not be more than at the rate of \$1.10 for 600 pages, the expense thereof to be refunded to the State by an equitable assessment to be made by the Comptroller on the several railroad companies of the State, said reports to be distributed by the State Engineer among said companies and public offices as shall be deemed equitable.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	Starbuck
Bixby	Gerard	Moore	Wagner
Booth	Harris	Robertson	Wellman
Carpenter	Kennaday	St. John	Woodin
Coleman	Loomis	Selkreg	

19

## FOR THE NEGATIVE.

Rogers

1

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Loomis offered the following:

*Resolved* (if the Assembly concur), That there be printed and bound in the usual style 2,000 copies of the insurance reports, including the fire, life, marine and casualty reports, bound in one volume, 1,000 copies for the Insurance Department and 1,000 copies for the use of the Legislature, provided the cost of such books do not exceed one dollar per volume, or two thousand dollars in the aggregate.

On motion of Mr. Loomis, and by unanimous consent, the rules were suspended, in order to consider said resolution immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Kennaday	Prince	Starbuck
Booth	Lamont	Robertson	Wellman
Carpenter	Loomis	St. John	Woodin
Doolittle			

17

## FOR THE NEGATIVE.

Emerson	
---------	--

1

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the county judge of the county of Kings and the surrogate of said county to appoint an interpreter for their courts and to provide for his compensation therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Sayre
Bixby	Hammond	Morrissey	Schoonmaker
Carpenter	Kennaday	Robertson	Selkreg
Cole	Lamont	Rogers	Wagner
Doolittle	Loomis	St. John	Woodin
Emerson	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act providing for the assessment of real estate in the town of Vienna, county of Oneida," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Robertson	Selkreg
Booth	Jacobs	Rogers	Starbuck
Carpenter	Kennaday	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy		

22

## FOR THE NEGATIVE.

Hammond	
---------	--

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate St. Raymond's cemetery of Westchester, in the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Booth	Hammond	Prince	Starbuck
Carpenter	Kennaday	Robertson	Wellman
Coleman	Loomis	St. John	Woodin
Doolittle	McCarthy	Schoonmaker	19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Grand Lodge of the Order of Herman Sons of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	McCarthy	St. John
Bixby	Emerson	Moore	Starbuck
Booth	Gerard	Robertson	Wellman
Cole	Jacobs	Rogers	Woodin
Coleman	Kennaday		18

## FOR THE NEGATIVE.

Sayre

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 381, Laws of 1875, entitled 'An act supplementary to an act entitled An act to provide for the incorporation of religious societies, passed April 5, 1813, and of the several acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Schoonmaker
Bixby	Kennaday	Robertson	Selkreg
Booth	Loomis	Rogers	Starbuck
Doolittle	McCarthy	St. John	Wellman
Gerard	Moore	Sayre	Woodin
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 448 of the Laws of 1865, entitled 'An act to facilitate the construction of railroads and tram roads within the counties of Clinton and Essex and authorize the formation of companies therefor,' and to extend the operation thereof to

the counties of Columbia, Washington and Saratoga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Schoonmaker
Bixby	Harris	Prince	Starbuck
Booth	Lamont	Robertson	Wellman
Bradley	Loomis	St. John	Woodin
Doolittle	McCarthy	Sayre	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for laying an additional main from the Loughberry water-works in the town and village of Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Schoonmaker
Bixby	Kennaday	Robertson	Selkreg
Booth	Loomis	Rogers	Starbuck
Bradley	McCarthy	St. John	Wellman
Doolittle	Moore	Sayre	Woodin
Gerard			21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of John B. Halsted and his grantees," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Selkreg
Bixby	Gerard	Robertson	Starbuck
Booth	Kennaday	Rogers	Wagner
Carpenter	McCarthy	Sayre	Wellman
Coleman	Moore	Schoonmaker	Woodin
			20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in a certain island formed in Jamaica bay, called Ruffle Bar island," having been announced for a third reading,



On motion of Mr. Prince, and by unanimous consent, said bill was amended as follows:

Add at end of section 2, the words "or any right possessed in any part thereof by any town or municipal corporation."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	Prince	Selkreg
Bixby	Kennaday	Robertson	Starbuck
Booth	Lamont	Rogers	Wagner
Bradley	Loomis	St. John	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Doolittle	Morrissey		

22

FOR THE NEGATIVE.

Hammond

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 831 of the Laws of 1871, entitled 'An act for the protection of private parks and grounds, and to encourage the propagation of fish and game,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Selkreg
Bixby	Gerard	Rogers	Starbuck
Carpenter	Loomis	St. John	Tobey
Cole	McCarthy	Sayre	Wagner
Coleman	Morrissey	Schoonmaker	Wellman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April 24, 1872, as further amended by an act entitled as last above, passed April 23, 1873," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Robertson	Starbuck
Bixby	Hammond	Rogers	Tobey
Booth	Harris	St. John	Wagner
Coleman	Kennaday	Sayre	Wellman
Doolittle	Loomis	Schoonmaker	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the appointment of extra guard and an engineer at the Auburn prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Morrissey	Schoonmaker
Bixby	Hammond	Robertson	Selkreg
Booth	Harris	Rogers	Starbuck
Bradley	Lamont	St. John	Tobey
Cole	McCarthy	Sayre	Wellman
Coleman			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relinquishing title and jurisdiction to the United States over certain land covered with water at West Point," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Morrissey	Schoonmaker
Bixby	Gerard	Robertson	Selkreg
Booth	Hammond	Rogers	Starbuck
Bradley	Harris	St. John	Tobey
Cole	Loomis	Sayre	Wellman
Coleman	McCarthy		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to exempt that portion of the towns of Flatbush and New Utrecht, in the county of Kings, being the place known as Parkville (an unincorporated village), from the operations and provisions of a certain act passed May 7, 1869, entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' and such other acts as are supplementary thereto and amendatory thereof, in so far as said act and acts relate to the opening of new streets and avenues in said Parkville, and in closing old ones therein, and to declare certain streets, roads and avenues therein to be public highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard.	Morrissey	Schoonmaker
Bradley	Hammond	Prince	Selkreg
Carpenter	Harris	Robertson	Starbuck
Coleman	Jacobs	Rogers	Wellman
Doolittle	Kennaday	Sayre	Woodin
Emerson	Loomis		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to distribute the school tax derived from that portion of the Southern Central railroad running through the town of Harford, in the county of Cortland, equally among the school districts of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Hammond	McCarthy	Schoonmaker
Booth	Harris	Moore	Selkreg
Bradley	Kennaday	Prince	Wagner
Coleman	Lamont	Robertson	Wellman
Doolittle	Loomis	Rogers	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases,'" with a message that they had passed the same, with the following amendments:

Insert after line 35, section 1, and subdivision 4, as follows:

"4. Any plan or agreement which may have been entered into, pursuant to the section hereof."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Kennaday	St. John	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle	McCarthy	Schoonmaker	

19

## FOR THE NEGATIVE.

Morrissey

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act in relation to the salaries of certain officers and employes of the city of New York," having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

Section 2, line 1, printed bill, strike out the word "recorder" and insert the words "commissioner of public works."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Harris	Loomis	Schoonmaker	
Gerard	Kennaday	St. John	Starbuck	8

FOR THE NEGATIVE.

Bixby	Doolittle	Morrissey	Selkreg	
Booth	Lamont	Robertson	Wellman	
Cole	McCarthy	Rogers	Woodin	
Coleman	Moore	Sayre		15

Mr. Gerard moved to recommit said bill to the committee on the affairs of cities with instructions to amend as follows : Section 2, line 11, strike out the words "and remove and appoint" and insert the word "of."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Gerard	Moore	Schoonmaker	
Booth	Kennaday	Robertson	Selkreg	
Bradley	Lamont	Rogers	Tobey	
Coleman	Loomis	St. John	Wellman	
Doolittle	McCarthy	Sayre	Woodin	
Emerson				21

FOR THE NEGATIVE.

Morrissey				1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Coleman	Loomis	Sayre
Bixby	Doolittle	McCarthy	Schoonmaker

Booth	Emerson	Moore	Selkreg
Bradley	Gerard	Morrissey	Tobey
Carpenter	Kennaday	Robertson	Wellman
Cole	Lamont	St. John	Woodin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Morrissey	Schoonmaker
Booth	Kennaday	Robertson	Selkreg
Bradley	Lamont	Rogers	Tobey
Carpenter	Loomis	St. John	Wellman
Coleman	McCarthy		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 9 of chapter 567 of the Laws of 1875, entitled 'An act to amend chapter 555 of the Laws of 1864, entitled An act to revise and consolidate the general acts relating to public instruction,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Prince	Schoonmaker
Bixby	Gerard	Robertson	Starbuck
Bradley	Lamont	Rogers	Wagner
Carpenter	Loomis	St. John	Wellman
Cole	McCarthy	Sayre	Woodin
Coleman	Moore		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to the dissolution of corporations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Doolittle	Moore	Sayre
Bixby	Emerson	Prince	Tobey
Booth	Kennaday	Robertson	Wagner

Bradley	Lamont	Rogers	Wellman
Carpenter	Loomis	St. John	Woodin
Coleman			

21

FOR THE NEGATIVE.

Schoonmaker	
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the Merchants' Loan Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baaden	Doolittle	Robertson	Selkreg
Bixby	Jacobs	Rogers	Starbuck
Bradley	Kennaday	St. John	Wagner
Carpenter	Loomis	Sayre	Wellman
Cole	Moore	Schoonmaker	Woodin
Coleman	Morrissey		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 482 of the Laws of 1875, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,' passed June 5, 1875," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

FOR THE AFFIRMATIVE.

Bixby	Jacobs	Prince	Schoonmaker
Bradley	Kennaday	Robertson	Tobey
Carpenter	Lamont	Rogers	Wagner
Coleman	Loomis	St. John	Wellman
Doolittle	McCarthy	Sayre	Woodin
Gerard	Morrissey		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act to provide for the incorporation of fire insurance companies, passed May 4, 1864, in regard to the investment of their capital and surplus profits," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Robertson	Starbuck	
Coleman	Lamont	Rogers	Tobey	
Doolittle	Loomis	Sayre	Wagner	
Emerson	Morrissey	Schoonmaker	Woodin	
Gerard	Prince	Selkreg		19

## FOR THE NEGATIVE.

Bradley				1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend the time for the organization of the 'International Trust Company' of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Jacobs	Morrissey	Schoonmaker	
Carpenter	Kennaday	Prince	Selkreg	
Cole	Lamont	Robertson	Tobey	
Coleman	Loomis	Rogers	Wagner	
Doolittle	McCarthy	St. John	Wellman	
Gerard	Moore	Sayre	Woodin	
Hammond				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the act entitled 'An act to construct and protect sidewalks along highways,' passed March 10, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	St. John	
Bixby	Harris	Morrissey	Sayre	
Carpenter	Jacobs	Prince	Tobey	
Coleman	Kennaday	Robertson	Wellman	
Emerson	Loomis	Rogers	Woodin	20

## FOR THE NEGATIVE.

Selkreg	Wagner			2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Doolittle offered the following:

*Resolved* (if the Assembly concur), That 2,000 copies of the Commissioners' Report on Fisheries, be printed for the use of the Legislature, and 2,000 copies for the use of the commissioners.

On motion of Mr. Doolittle, and by unanimous consent, the rules were suspended, in order that said resolution be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	St. John
Bixby	Hammond	Morrissey	Schoonmaker
Booth	Jacobs	Prince	Selkreg
Carpenter	Kennaday	Robertson	Tobey
Coleman	Lamont	Rogers	Wellman
Doolittle	Loomis		

22

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Woodin moved that the Senate proceed to the consideration of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act relating to assessments for the construction of sewers and drains in the city of New York," was ordered considered in first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act relating to assessments for the construction of sewers and drains in the city of New York."

Assembly, "An act to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York."

Assembly, "An act additional to chapter 320 of the Laws of 1872, entitled 'An act to amend an act relating to the rates of wharfage and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn, passed May 6, 1870.'"

After some time spent therein, the President resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and the same ordered to a third reading.

Mr. Prince, from the same committee, reported in favor of the passage of the second and last named bills, which report was agreed to, and the same ordered to a third reading.

On motion of Mr. Tobey, and by unanimous consent, the committee of the whole was discharged from the further consideration of Assembly bill entitled "An act to provide for the payment of expenses incurred for the support and maintenance of persons confined in the county jail of the county of New York upon civil process," and the same ordered to a third reading.

Mr. Jacobs moved to reconsider the vote by which the Assembly bill entitled "An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for lands taken from Prospect park for reservoir purposes," was passed.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :



## FOR THE AFFIRMATIVE.

Baaden	Harris	Morrissey	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	St. John	Wagner
Carpenter	Lamont	Sayre	Wellman
Gerard	Loomis	Schoonmaker	Woodin
Hammond	Moore		

22

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended by striking out all the amendments made by the Senate thereto.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Gerard	Moore	Selkreg
Bixby	Hammond	Robertson	Starbuck
Bradley	Harris	Rogers	Tobey
Carpenter	Jacobs	St. John	Vedder
Coleman	Kennaday	Sayre	Wagner
Doolittle	Loomis	Schoonmaker	Wellman

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the payment of expenses incurred for the support and maintenance of persons confined in the county jail of the county of New York upon civil process," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bixby	Harris	McCarthy	Schoonmaker
Carpenter	Jacobs	Moore	Tobey
Coleman	Loomis	Morrissey	Wagner
Gerard			

13

## FOR THE NEGATIVE.

Bradley	Robertson	Sayre	Wellman
Doolittle	Rogers	Selkreg	Woodin
Lamont	St. John	Starbuck	

11

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Harris offered the following:

*Resolved*, That the thanks of the Senate are hereby presented to Lieutenant-Governor Dorsheimer, for the courteous, intelligent and faithful discharge of his duties as presiding officer of the Senate. That the members of the Senate will remember long after the severance of their official relations with him, his private worth and public fidelity.

*Resolved*, That these resolutions be appropriately engrossed and framed, and presented to the President of the Senate.

The President, *pro tem*, put the question whether the Senate would agree to said resolution, and it was carried unanimously.

Mr. Prince, from the committee on miscellaneous corporations, to which was referred the Assembly bill entitled "An act relating to certain exemptions and privileges of the Industrial Exhibition Company," reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to repeal section 11 of 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870, as added thereto by chapter 690 of the Laws of 1872," and said bill was committed to the committee of the whole.

Mr. Rogers, from the committee on canals, to which was referred the Assembly bill entitled "An act appointing commissioners to investigate certain lateral canals of this State and to report upon the disposition to be made thereof," reported in favor of the passage of the same.

On motion of Mr. Rogers, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Bixby	Kennaday	Prince	Schoonmaker
Bradley	Lamont	Robertson	Wagner
Coleman	Loomis	Rogers	Wellman
Gerard	McCarthy	Sayre	Woodin
Jacobs			

17

#### FOR THE NEGATIVE.

Emerson	Moore	Selkreg	Starbuck
Hammond			

5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill and concurrent resolution entitled as follows :

"An act to incorporate the Grand Lodge of the Order of Herman Sons of the State of New York."

Concurrent resolution proposing an amendment to the Constitution in relation to the schools.

Mr. Woodin, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows :

"An act in relation to streets in Long Island City."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 135 of the Laws of 1873, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county.'"

"An act to amend chapter 556 of the Laws of 1864, entitled 'An act to amend an act entitled An act to provide for the instruction of common school teachers, passed June 17, 1853, passed April 13, 1855.'"

"An act to amend chapter 48 of the Laws of 1871, entitled 'An act to incorporate the Odd Fellows' Hall Association of Watertown.'"

"An act to provide for the sale of the real estate and other property of the Western New York Agricultural Society."

"An act supplementary to chapter 291 of the Laws of 1869, entitled 'An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan Seminary, and to increase the capital stock of said seminary.'"

"An act further to amend chapter 510 of the Laws of 1869, entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857.'"

"An act supplemental to chapter 492 of the Laws of 1874, entitled 'An act to incorporate the Home for the Friendless in Northern New York,' passed May 20, 1874."

"An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between Rosses, on the Buffalo division of the Erie railway, and Sonyea, in Livingston county."

"An act in relation to district courts in the city of New York."

"An act to amend section 32, part 1, title 1, article 3, chapter 16 of the Revised Statutes."

"An act to amend section 2, chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish a ferry across Sereca lake at Lodi landing.'"

"An act to enable the trustees of the village of Skaneateles, in the county of Onondaga, to raise money by tax for the payment of certain indebtedness created during the year 1875 and including the year 1876."

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street in said city, and to raise money to pay for the same."

"An act to legalize the acts of Amasa Stanton, justice of the peace of the county of Wayne."

"An act to amend chapter 425 of the Laws of 1855, entitled 'An act to facilitate the forming of agricultural and horticultural societies.'"

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet, and other streets in said city, and to raise money to pay for the same."

"An act supplementary to chapter 737, Laws of 1873, entitled 'An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York.'"

"An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York."

*Ordered*, that the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to confirm and legalize the acts of David Day, 2d, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter 888 of the Laws of 1869, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal, and to provide for a further assessment,"

with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act relating to the expenses of judicial sales in the county of Kings," with a message that they had agreed to the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bills entitled as follows :

"An act to amend chapter 490 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases.'"

"An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church' and supplementary thereto."

"An act in relation to streets in Long Island City."

"An act relating to the local government of the city of New York."

"An act regulating the forfeiture of life insurance policies."

"An act to amend chapter 504 of the Laws of 1875, entitled 'An act to amend chapter 455 of the Laws of 1874, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'"

"An act to amend chapter 18 of the Laws of 1862, entitled 'An act to revise the charter of the city of Utica.'"

"An act to amend chapter 256 of the Laws of 1874, entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870.'"

"An act in relation to the inspection and running of steamboats on Chautauqua lake."

"An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message informing that they had concurred in the passage of the same :

"An act relative to lands held in trust by Charles H. Holden for the benefit of Harriet Perry and certain of her descendants."

"An act to amend chapter 90 of the Laws of 1870, entitled 'An act in relation to the manual labor school upon the Tonawanda reservation.'"

"An act to authorize the common council of the city of Buffalo to appoint jubilee water commissioners."

"An act to amend section 1 of chapter 170 of the Laws of 1875, entitled 'An act to amend section 9 of chapter 463 of the Laws of 1853, entitled An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to provide for submitting amendments to the Constitution to the electors of the State."

"An act to extend the time for making assessments for taxes in the city and county of New York."

"An act extending the powers of the trustees of the village of Canandaigua."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' with a message that they had passed the same, with the following amendments:

Insert as section 1 the following:

SECTION 1. Section 13 of chapter 379 of the Laws of 1848, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," is hereby amended so as to read as follows:

§ 13. There shall be four terms of the Court of Appeals in each year, to be held at the capitol, in the city of Albany, on the first Tuesday of January, the fourth Tuesday of March, the third Tuesday of June, and the last Tuesday of September, and continued for as long a period as the public interests may require. But the judges of the said court may, in their discretion, appoint one of said terms in each year to be held in the city of New York. Additional terms shall be appointed and held at the same place by the court when the public interests require it. The court may, by general rules, provide what causes shall have a preference on the calendar. On a second and each subsequent appeal to the Court of Appeals, or when an appeal has once been dismissed for defect or irregularity, the cause shall be placed on the calendar as of the time of filing the first appeal, and may be noticed and put on the calendar for any succeeding term; and whenever, in any action or proceeding in which the people of this State, or any State officer or any board of State officers, or the mayor, aldermen and commonalty of the city of New York, is or are sole plaintiff or defendant, an appeal has been or shall be brought from any judgment or order for or against him or them in any court, such appeal shall have a preference in the Supreme Court and in the Court of Appeals, and may be moved by either party out of the order on the calendar. And actions in which one of or two or more plaintiffs or defendants shall have died pending the action, and the pendency of the action prevents a final settlement of the estate of the deceased party, shall be preferred on the calendar.

Change section 1 to section 2.

Strike out all after the word "of" in original section 1 down to and including the word "is," in line 5.

Change section 2 to section 3.

Insert new section, to be section 4, as follows:

§ 4. Section 31 of said act is hereby amended so as to read as follows:

§ 31. The county court is always open for the transaction of any business for which no notice is required to be given to an opposing party. At least two terms in each county for the trial of issues of law or fact and as many more as the county judge shall appoint, shall be held in each year at the places in the counties respectively designated by statute for holding county or circuit courts, on such days as the county judge shall from time to time appoint, and may continue as long as the court deems necessary. Notice of such appointment shall be published in the State paper at least four weeks before any such term, and also in a newspaper, if any, printed in the county; so many of such terms as the county judge shall designate for that purpose in such notice, may be held for the trial of issues of law and hearing and decision of motions and other proceedings at which no jury shall be required to attend; and terms of the county court for the trial and decision of causes and for the hearing and decision of proceedings not requiring a jury, and for the

hearing and decision of appeals from justices' courts in all actions and proceedings in which a new trial cannot be had in the county court, and for the hearing and decision of motions may be appointed as herein-before provided, to be held at the chambers of the county judge. And the county judge may adjourn any regularly appointed term of the county court to his chambers, and by an entry in the minutes adjourn the cause from time to time, and at such adjourned terms any business may be transacted that could be done at a regularly appointed term at chambers.

Insert new section to be section 5, as follows:

§ 5. The first paragraph of subdivision 10 of section 53 of said act is hereby amended so as to read as follows:

10. An action to recover the possession of personal property claimed, the value of which is stated in the affidavit of the plaintiff, his agent or attorney, shall not exceed the sum of two hundred dollars.

Change section 3 to section 6.

Insert new section to be section 7, as follows:

§ 7. Section 94 of said act is hereby amended by adding thereto as subdivision 2, the following:

2. An action for injury to the person.

Change section 4 to section 8.

Change section 5 to section 9.

Change section 6 to section 10.

Insert new section to be section 11, as follows:

§ 11. Section 309 of said act is hereby amended so as to read as follows:

§ 309. These rates shall be estimated upon the value of the property claimed or attached or affected by the adjudication upon the will or instrument, as sought to be partitioned, or the amount found due or unpaid upon the mortgage in an action for foreclosure. And whenever it shall be necessary to apply to the court for an order enforcing the payment of any installment falling due after the judgment, in an action for foreclosure, the plaintiff shall be entitled the rate of allowance in the last section prescribed, but no more in the aggregate than if the whole amount of the mortgage had been due when judgment was entered. Such amount of value must be determined by the court or by the commissioners in case of actual partition. In difficult and extraordinary cases, where a defense has been interposed, or in such cases where a trial has been had, and in actions or proceedings for the partition of real estate, the court may also, in its discretion, make a further allowance to any party, not exceeding five per cent upon the amount of recovery or claims or subject-matter involved. And in an action for the foreclosure of a mortgage, the court may make like allowance, not exceeding two and a half per centum, nor the aggregate sum of two hundred dollars, nor shall a greater sum than fifty dollars be charged by or allowed to any sheriff, referee or other officer, for his fees, per centage or services for any sale under a decree or judgment of foreclosure. But in no action whatever shall an allowance of more than two thousand dollars be made to any party, or to all the parties, if more than one, on either side.

Change section 7 to section 12.

Change section 8 to section 13.

Insert new section, to be section 14, as follows:

§ 14. Section 335 of said act is hereby amended so as to read as follows:

§ 335. If the appeal be from a judgment directing the payment of

money, it shall not stay the execution of the judgment, unless a written undertaking be executed on the part of the appellant by at least two sureties, to the effect that if the judgment appealed from, or any part thereof, be affirmed, or the appeal be dismissed, the appellant will pay the amount directed to be paid by the judgment, or the part of such amount as to which the judgment shall be affirmed, if it be affirmed only in part, and all damages which shall be awarded against the appellant upon the appeal. Whenever it shall be made satisfactorily to appear to the court that since the execution of the undertaking, one or more of the sureties have become insolvent, the court may by rule or order require the appellant to execute, file and serve a new undertaking as above, and in case of neglect to execute such undertaking within twenty days after the service of a copy of the rule, or order, requiring such new undertaking, the appeal may on motion to the court be dismissed with costs. Whenever it shall be necessary for a party to any action or proceeding to give a bond or an undertaking with surety or sureties, he may, in lieu thereof, deposit with the officer, or into court, as the case may require, money to the amount for which such bond or undertaking is to be given. The court in which such action or proceeding is pending may direct what disposition shall be made of such money, pending the action or proceeding. In case where by this section the money is to be deposited with an officer, a judge of the court at special term, or at chambers, upon the application of either party may, before said deposit is made, order it to be deposited in court instead of with such officer; and a deposit made pursuant to such order shall be of the same effect as if made with such officer.

Change section 9 to section 15.

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baaden	Gerard	McCarthy	Schoonmaker
Bixby	Hammond	Morrissey	Vedder
Bradley	Jacobs	Robertson	Wagner
Carpenter	Kennaday	Rogers	Wellman
Coleman	Loomis	Sayre	Woodin
Doolittle			

21

FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Jacobs offered the following:

*Resolved*, That the thanks of the Senate are due and are hereby tendered to the Hon. William H. Robertson, for the eminent ability and impartiality which he has displayed throughout the present session in the capacity of President *pro tem.* of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was carried unanimously.

Mr. Lamont offered the following:

*Resolved*, That the Clerk of the Senate, Mr. Henry A. Glidden, is eminently entitled to and should receive the thanks of the Senate for the industry, impartiality and intelligence which he has displayed during the present session in his official capacity.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Birby offered the following:

*Resolved*, That the thanks of the Senate be and are hereby tendered to the assistant, journal and deputy clerks for the industry, intelligence and courtesy with which they have severally discharged their duties during the present session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Loomis offered the following:

*Resolved*, That the sergeant-at-arms and doorkeeper, with their several assistants, have discharged their duties in a manner entitling them to the thanks of the Senate, which are hereby tendered to them individually.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Vedder offered the following:

*Resolved* (if the Assembly concur), That the time for the final adjournment of the Legislature be extended till 2 o'clock P. M., to-day.

*Ordered*, That said resolution be laid on the table.

The Assembly returned the concurrent resolution proposing an amendment to the Constitution in relation to common schools, with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Secretary of State.

The Assembly bill entitled "An act to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Birby	Gerard	Prince	Selkreg
Booth	Jacobs	Robertson	Vedder
Carpenter	Kennaday	Rogers	Wagner
Cole	Loomis	St. John	Wellman
Coleman	McCarthy	Schoonmaker	Woodin
Emerson	Morrissey		

22

#### FOR THE NEGATIVE.

Starbuck

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 430 of the Laws of 1874, entitled 'An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases.'"

"An act to amend chapter 290 of the Laws of 1855, entitled 'An act in relation to courts of special sessions in and to regulate the police of the county of Rensselaer.'"

"An act relating to the local government of the city of New York."



"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

"An act to amend chapter 647 of the Laws of 1872, entitled 'An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church,' and supplementary thereto."

"An act in relation to the inspection and running of steamboats on Chautauqua lake."

"An act further to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

On motion of Mr. Bixby, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to authorize the court of general sessions of the peace of the city and county of New York to appoint an interpreter," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

FOR THE AFFIRMATIVE.

Bixby	Harris	Moore	Vedder
Bradley	Kennaday	Morrissey	Wagner
Carpenter	Lamont	Rogers	Wellman
Doolittle	Loomis	St. John	Woodin
Gerard	McCarthy		

18

FOR THE NEGATIVE.

Sayre	Schoonmaker
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Woodin, and by unanimous consent, the committee of the whole was discharged from the further consideration of Assembly bill entitled "An act to provide offices and rooms for public purposes in the city of New York," and the same ordered to a third reading.

Said bill having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, said bill was amended by striking out the amendments made thereto by the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Carpenter	Kennaday	Moore	Rogers
Coleman	Lamont	Morrissey	St. John
Doolittle	Loomis	Prince	Wellman
Jacobs	McCarthy	Robertson	Woodin

16

FOR THE NEGATIVE.

Baaden	Gerard	Schoonmaker	Starbuck
Bradley	Hammond	Selkreg	Wagner
Emerson	Sayre		

10

When the name of Mr. Emerson was called, he asked to be excused from voting.

The President put the question whether the Senate would grant said request, and it was decided in the negative.

Mr. Emerson subsequently voted in the negative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly sent for concurrence the bill entitled as follows :

"An act to provide for the completion or cancellation of all pending contracts for new work upon, and extraordinary repairs of the canals; and making an appropriation to pay the expenses of such necessary extraordinary repairs as may be approved of and directed by the Canal Board," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Rogers, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Emerson	McCarthy	Sayre
Bixby	Gerard	Moore	Schoonmaker
Bradley	Harris	Morrissey	Starbuck
Carpenter	Jacobs	Prince	Tobey
Coleman	Kennaday	Robertson	Wagner
Doolittle	Loomis	Rogers	Woodin
			24

#### FOR THE NEGATIVE.

Wellman

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to enlarge the powers of the Canal Board," with a message that they had concurred in the report of the committee of conference thereon, in the words following :

Your conference committee, appointed on the bill entitled "An act to enlarge the powers of the Canal Board," respectfully report that they have agreed to recommend that the Assembly recede from their amendments.

Respectfully submitted.

HAMILTON HARRIS,  
DAN H. COLE,  
JAMES F. STARBUCK,  
*Senate Committee.*

H. G. BURLEIGH,  
E. GALLAGHER,  
A. A. BISSELL,  
R. U. SHERMAN,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows :

#### FOR THE AFFIRMATIVE.

Baaden	Harris	Prince	Starbuck
Bixby	Jacobs	Robertson	Tobey
Bradley	Kennaday	Rogers	Vedder

Carpenter	Lamont	St. John	Wagner
Coleman	Loomis	Sayre	Wellman
Emerson	McCarthy	Schoonmaker	Woodin
Gerard	Morrissey		

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## FOR THE NEGATIVE.

Selkreg

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the bill entitled "An act to establish a State Board of Audit and to define its powers and duties," with a message that they had agreed to the report of the committee of conference thereon, in the words following:

The committee of conference to which was referred the matters of difference between the two houses on the bill entitled "An act to establish a State Board of Audit and to define its powers and duties," beg leave respectfully to report: That they met and have duly considered such matters of difference, and have agreed to recommend that the Assembly do recede from the amendments to the bill as proposed by the Assembly.

All which is respectfully submitted.

L. BRADFORD PRINCE,

S. H. HAMMOND,

*Senate Committee.*

ALLEN MUNROE,

G. I. POST,

J. FAULKNER, JR.,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present, as follows:

## FOR THE AFFIRMATIVE.

Baaden	Hammond	Prince	Starbuck
Bixby	Jacobs	Robertson	Vedder
Coleman	Kennaday	Rogers	Wagner
Doolittle	Lamont	St. John	Wellman
Emerson	McCarthy	Schoonmaker	Woodin
Gerard	Morrissey	Selkreg	

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## FOR THE NEGATIVE.

Bradley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference thereon.

The Assembly returned the following entitled bills, with a message that they had agreed to the reports of the committees of conference thereon:

"An act to enlarge the powers of the Canal Board.

"An act to establish a State board of audit, and to define its powers and duties."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled as follows:

"An act to amend chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly bill entitled "An act to facilitate the determination of claims against the city or county of New York, and the board of education of the city of New York," having been announced for a third reading,

Mr. Schoonmaker moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the enacting clause.

Pending which,

The hour of 12 o'clock having arrived, the President arose and addressed the Senate as follows:

SENATORS: I shall detain you only to express to you my regrets at the termination of our official relations, and to acknowledge the courtesy and indulgences which you have uniformly shown to me. At a period of high political excitement, your discussions have been remarkable for candor and deliberation, and, I need not add, for the skill and thoroughness with which they have been conducted. If any one can recall times when party zeal has overmastered judgment, he will remember that party spirit awakes the citizen to that eternal vigilance which is the safeguard of the people. With sincere hopes that personal happiness and public honor may continue to attend you, and in pursuance of joint resolution, I now declare the Senate to be adjourned without day.

HENRY A. GLIDDEN, *Clerk.*



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